



Sen. Kwame Raoul

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LRB098 05192 MLW 42432 a

1 AMENDMENT TO SENATE BILL 924

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 924 by replacing  
3 everything after the enacting clause with the following:

4 "(30 ILCS 105/5.676 rep.)

5 Section 5.The State Finance Act is amended by repealing  
6 Section 5.676.

7 Section 10. The Illinois Vehicle Code is amended by  
8 changing Sections 2-118, 3-402, 4-203, 6-103.1, 6-118, 6-201,  
9 6-203.1, 6-204, 6-205, 6-206, 6-206.1, 6-206.2, 6-208,  
10 6-208.1, 6-306.4, 6-601, 7-402, 11-208.7, 11-500, 11-501, and  
11 16-107 and by adding Sections 1-129.2, 6-206.5, and 6-303.5 as  
12 follows:

13 (625 ILCS 5/1-129.2 new)

14 Sec. 1-129.2. Ignition Interlock Permit. An ignition  
15 interlock permit (IIP) is a permit that allows a person whose

1 driver's license and driving privileges have been:

2 (1) summarily suspended or revoked under Section  
3 11-501.1;

4 (2) suspended or revoked under paragraph (6) of  
5 subsection (a) of Section 6-206 for refusal of chemical  
6 testing in another state or a conviction in another state  
7 of driving under the influence, driving while intoxicated,  
8 driving while impaired or any offense where the cause of  
9 action is the same or substantially similar to Section  
10 11-501 of this Code or a conviction in another state of  
11 reckless homicide where alcohol or other drugs are recited  
12 as an element of the offense of any offense where the cause  
13 of action is the same or substantially similar to Section  
14 9-3 of the Criminal Code of 1961 or the Criminal Code of  
15 2012;

16 (3) revoked under paragraph (1) of subsection (a) of  
17 Section 6-206 where drugs or alcohol were recited as an  
18 element of the offense; or

19 (4) revoked under paragraph (1) or (2) of subsection  
20 (a) of Section 6-205,  
21 to drive a vehicle, for the period of suspension or  
22 revocation, if the vehicle is equipped with an ignition  
23 interlock device as defined in Section 1-129.1.

24 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

25 Sec. 2-118. Hearings.

1 (a) Upon the suspension, revocation or denial of the  
2 issuance of a license, permit, registration or certificate of  
3 title under this Code of any person the Secretary of State  
4 shall immediately notify such person in writing and upon his  
5 written request shall, within 20 days after receipt thereof,  
6 set a date for a hearing to commence within 90 calendar days  
7 from the date of the written request for all requests related  
8 to a suspension, revocation, or the denial of the issuance of a  
9 license, permit, registration, or certificate of title  
10 occurring after July 1, 2002, in the County of Sangamon, the  
11 County of Jefferson, or the County of Cook, as such person may  
12 specify, unless both parties agree that such hearing may be  
13 held in some other county. The Secretary may require the  
14 payment of a fee of not more than \$50 for the filing of any  
15 petition, motion, or request for hearing conducted pursuant to  
16 this Section. These fees must be deposited into the Secretary  
17 of State DUI Administration Fund, a special fund created in the  
18 State treasury, and, subject to appropriation and as directed  
19 by the Secretary of State, shall be used for operation of the  
20 Department of Administrative Hearings of the Office of the  
21 Secretary of State and for no other purpose. Effective July 1,  
22 2014, the Secretary shall, subject to appropriation by the  
23 General Assembly, also use the money paid into the Secretary of  
24 State DUI Administration Fund for costs incurred in the  
25 issuance of ignition interlock permits and the holding of  
26 administrative hearings. The Secretary shall establish by rule

1 the amount and the procedures, terms, and conditions relating  
2 to these fees.

3 (b) At any time after the suspension, revocation or denial  
4 of a license, permit, registration or certificate of title of  
5 any person as hereinbefore referred to, the Secretary of State,  
6 in his or her discretion and without the necessity of a request  
7 by such person, may hold such a hearing, upon not less than 10  
8 days' notice in writing, in the Counties of Sangamon,  
9 Jefferson, or Cook or in any other county agreed to by the  
10 parties.

11 (c) Upon any such hearing, the Secretary of State, or his  
12 authorized agent may administer oaths and issue subpoenas for  
13 the attendance of witnesses and the production of relevant  
14 books and records and may require an examination of such  
15 person. Upon any such hearing, the Secretary of State shall  
16 either rescind or, good cause appearing therefor, continue,  
17 change or extend the Order of Revocation or Suspension, or upon  
18 petition therefore and subject to the provisions of this Code,  
19 issue a restricted driving permit or reinstate the license or  
20 permit of such person.

21 (d) All hearings and hearing procedures shall comply with  
22 requirements of the Constitution, so that no person is deprived  
23 of due process of law nor denied equal protection of the laws.  
24 All hearings shall be held before the Secretary of State or  
25 before such persons as may be designated by the Secretary of  
26 State and appropriate records of such hearings shall be kept.

1 Where a transcript of the hearing is taken, the person  
2 requesting the hearing shall have the opportunity to order a  
3 copy thereof at his own expense. The Secretary of State shall  
4 enter an order upon any hearing conducted under this Section,  
5 related to a suspension, revocation, or the denial of the  
6 issuance of a license, permit, registration, or certificate of  
7 title occurring after July 1, 2002, within 90 days of its  
8 conclusion and shall immediately notify the person in writing  
9 of his or her action.

10 (d-5) Any hearing over which the Secretary of State has  
11 jurisdiction because of a person's implied consent to testing  
12 of the person's blood, breath, or urine for the presence of  
13 alcohol, drugs, or intoxicating compounds may be conducted upon  
14 a review of the official police reports. Either party, however,  
15 may subpoena the arresting officer and any other law  
16 enforcement officer who was involved in the petitioner's arrest  
17 or processing after arrest, as well as any other person whose  
18 testimony may be probative to the issues at the hearing. The  
19 failure of a law enforcement officer to answer the subpoena  
20 shall be considered grounds for a continuance if, in the  
21 hearing officer's discretion, the continuance is appropriate.  
22 The failure of the arresting officer to answer a subpoena shall  
23 not, in and of itself, be considered grounds for the rescission  
24 of an implied consent suspension. Rather, the hearing shall  
25 proceed on the basis of the other evidence available, and the  
26 hearing officer shall assign this evidence whatever probative

1 value is deemed appropriate. The decision whether to rescind  
2 shall be based upon the totality of the evidence.

3 (e) The action of the Secretary of State in suspending,  
4 revoking or denying any license, permit, registration, or  
5 certificate of title shall be subject to judicial review in the  
6 Circuit Court of Sangamon County, in the Circuit Court of  
7 Jefferson County, or in the Circuit Court of Cook County, and  
8 the provisions of the Administrative Review Law, and all  
9 amendments and modifications thereto, and the rules adopted  
10 pursuant thereto, are hereby adopted and shall apply to and  
11 govern every action for the judicial review of final acts or  
12 decisions of the Secretary of State hereunder.

13 (Source: P.A. 95-627, eff. 6-1-08; 96-184, eff. 8-10-09.)

14 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

15 Sec. 3-402. Vehicles subject to registration; exceptions.

16 A. Exemptions and Policy. Every motor vehicle, trailer,  
17 semitrailer and pole trailer when driven or moved upon a  
18 highway shall be subject to the registration and certificate of  
19 title provisions of this Chapter except:

20 (1) Any such vehicle driven or moved upon a highway in  
21 conformance with the provisions of this Chapter relating to  
22 manufacturers, transporters, dealers, lienholders or  
23 nonresidents or under a temporary registration permit  
24 issued by the Secretary of State;

25 (2) Any implement of husbandry whether of a type

1 otherwise subject to registration hereunder or not which is  
2 only incidentally operated or moved upon a highway, which  
3 shall include a not-for-hire movement for the purpose of  
4 delivering farm commodities to a place of first processing  
5 or sale, or to a place of storage;

6 (3) Any special mobile equipment as herein defined;

7 (4) Any vehicle which is propelled exclusively by  
8 electric power obtained from overhead trolley wires though  
9 not operated upon rails;

10 (5) Any vehicle which is equipped and used exclusively  
11 as a pumper, ladder truck, rescue vehicle, searchlight  
12 truck, or other fire apparatus, but not a vehicle of a type  
13 which would otherwise be subject to registration as a  
14 vehicle of the first division;

15 (6) Any vehicle which is owned and operated by the  
16 federal government and externally displays evidence of  
17 federal ownership. It is the policy of the State of  
18 Illinois to promote and encourage the fullest use of its  
19 highways and to enhance the flow of commerce thus  
20 contributing to the economic, agricultural, industrial and  
21 social growth and development of this State, by authorizing  
22 the Secretary of State to negotiate and enter into  
23 reciprocal or proportional agreements or arrangements with  
24 other States, or to issue declarations setting forth  
25 reciprocal exemptions, benefits and privileges with  
26 respect to vehicles operated interstate which are properly

1 registered in this and other States, assuring nevertheless  
2 proper registration of vehicles in Illinois as may be  
3 required by this Code;

4 (7) Any converter dolly or tow dolly which merely  
5 serves as substitute wheels for another legally licensed  
6 vehicle. A title may be issued on a voluntary basis to a  
7 tow dolly upon receipt of the manufacturer's certificate of  
8 origin or the bill of sale;

9 (8) Any house trailer found to be an abandoned mobile  
10 home under the Abandoned Mobile Home Act;

11 (9) Any vehicle that is not properly registered or does  
12 not have registration plates issued to the owner or  
13 operator affixed thereto, or that does have registration  
14 plates issued to the owner or operator affixed thereto but  
15 the plates are not appropriate for the weight of the  
16 vehicle, provided that this exemption shall apply only  
17 while the vehicle is being transported or operated by a  
18 towing service and has a third tow plate affixed to it.

19 B. Reciprocity. Any motor vehicle, trailer, semitrailer or  
20 pole trailer need not be registered under this Code provided  
21 the same is operated interstate and in accordance with the  
22 following provisions and any rules and regulations promulgated  
23 pursuant thereto:

24 (1) A nonresident owner, except as otherwise provided  
25 in this Section, owning any foreign registered vehicle of a  
26 type otherwise subject to registration hereunder, may

1 operate or permit the operation of such vehicle within this  
2 State in interstate commerce without registering such  
3 vehicle in, or paying any fees to, this State subject to  
4 the condition that such vehicle at all times when operated  
5 in this State is operated pursuant to a reciprocity  
6 agreement, arrangement or declaration by this State, and  
7 further subject to the condition that such vehicle at all  
8 times when operated in this State is duly registered in,  
9 and displays upon it, a valid registration card and  
10 registration plate or plates issued for such vehicle in the  
11 place of residence of such owner and is issued and  
12 maintains in such vehicle a valid Illinois reciprocity  
13 permit as required by the Secretary of State, and provided  
14 like privileges are afforded to residents of this State by  
15 the State of residence of such owner.

16 Every nonresident including any foreign corporation  
17 carrying on business within this State and owning and  
18 regularly operating in such business any motor vehicle,  
19 trailer or semitrailer within this State in intrastate  
20 commerce, shall be required to register each such vehicle  
21 and pay the same fees therefor as is required with  
22 reference to like vehicles owned by residents of this  
23 State.

24 (2) Any motor vehicle, trailer, semitrailer and pole  
25 trailer operated interstate need not be registered in this  
26 State, provided:

1           (a) that the vehicle is properly registered in  
2 another State pursuant to law or to a reciprocity  
3 agreement, arrangement or declaration; or

4           (b) that such vehicle is part of a fleet of  
5 vehicles owned or operated by the same person who  
6 registers such fleet of vehicles pro rata among the  
7 various States in which such fleet operates; or

8           (c) that such vehicle is part of a fleet of  
9 vehicles, a portion of which are registered with the  
10 Secretary of State of Illinois in accordance with an  
11 agreement or arrangement concurred in by the Secretary  
12 of State of Illinois based on one or more of the  
13 following factors: ratio of miles in Illinois as  
14 against total miles in all jurisdictions; situs or base  
15 of a vehicle, or where it is principally garaged, or  
16 from whence it is principally dispatched or where the  
17 movements of such vehicle usually originate; situs of  
18 the residence of the owner or operator thereof, or of  
19 his principal office or offices, or of his places of  
20 business; the routes traversed and whether regular or  
21 irregular routes are traversed, and the jurisdictions  
22 traversed and served; and such other factors as may be  
23 deemed material by the Secretary and the motor vehicle  
24 administrators of the other jurisdictions involved in  
25 such apportionment. Such vehicles shall maintain  
26 therein any reciprocity permit which may be required by

1           the Secretary of State pursuant to rules and  
2           regulations which the Secretary of State may  
3           promulgate in the administration of this Code, in the  
4           public interest.

5           (3) (a) In order to effectuate the purposes of this  
6           Code, the Secretary of State of Illinois is empowered  
7           to negotiate and execute written reciprocal agreements  
8           or arrangements with the duly authorized  
9           representatives of other jurisdictions, including  
10          States, districts, territories and possessions of the  
11          United States, and foreign states, provinces, or  
12          countries, granting to owners or operators of vehicles  
13          duly registered or licensed in such other  
14          jurisdictions and for which evidence of compliance is  
15          supplied, benefits, privileges and exemption from the  
16          payment, wholly or partially, of any taxes, fees or  
17          other charges imposed with respect to the ownership or  
18          operation of such vehicles by the laws of this State  
19          except the tax imposed by the Motor Fuel Tax Law,  
20          approved March 25, 1929, as amended, and the tax  
21          imposed by the Use Tax Act, approved July 14, 1955, as  
22          amended.

23           The Secretary of State may negotiate agreements or  
24           arrangements as are in the best interests of this State  
25           and the residents of this State pursuant to the  
26           policies expressed in this Section taking into

1 consideration the reciprocal exemptions, benefits and  
2 privileges available and accruing to residents of this  
3 State and vehicles registered in this State.

4 (b) Such reciprocal agreements or arrangements  
5 shall provide that vehicles duly registered or  
6 licensed in this State when operated upon the highways  
7 of such other jurisdictions, shall receive exemptions,  
8 benefits and privileges of a similar kind or to a  
9 similar degree as extended to vehicles from such  
10 jurisdictions in this State.

11 (c) Such agreements or arrangements may also  
12 authorize the apportionment of registration or  
13 licensing of fleets of vehicles operated interstate,  
14 based on any or all of the following factors: ratio of  
15 miles in Illinois as against total miles in all  
16 jurisdictions; situs or base of a vehicle, or where it  
17 is principally garaged or from whence it is principally  
18 dispatched or where the movements of such vehicle  
19 usually originate; situs of the residence of the owner  
20 or operator thereof, or of his principal office or  
21 offices, or of his places of business; the routes  
22 traversed and whether regular or irregular routes are  
23 traversed, and the jurisdictions traversed and served;  
24 and such other factors as may be deemed material by the  
25 Secretary and the motor vehicle administrators of the  
26 other jurisdictions involved in such apportionment,

1 and such vehicles shall likewise be entitled to  
2 reciprocal exemptions, benefits and privileges.

3 (d) Such agreements or arrangements shall also  
4 provide that vehicles being operated in intrastate  
5 commerce in Illinois shall comply with the  
6 registration and licensing laws of this State, except  
7 that vehicles which are part of an apportioned fleet  
8 may conduct an intrastate operation incidental to  
9 their interstate operations. Any motor vehicle  
10 properly registered and qualified under any reciprocal  
11 agreement or arrangement under this Code and not having  
12 a situs or base within Illinois may complete the  
13 inbound movement of a trailer or semitrailer to an  
14 Illinois destination that was brought into Illinois by  
15 a motor vehicle also properly registered and qualified  
16 under this Code and not having a situs or base within  
17 Illinois, or may complete an outbound movement of a  
18 trailer or semitrailer to an out-of-state destination  
19 that was originated in Illinois by a motor vehicle also  
20 properly registered and qualified under this Code and  
21 not having a situs or base in Illinois, only if the  
22 operator thereof did not break bulk of the cargo laden  
23 in such inbound or outbound trailer or semitrailer.  
24 Adding or unloading intrastate cargo on such inbound or  
25 outbound trailer or semitrailer shall be deemed as  
26 breaking bulk.

1           (e) Such agreements or arrangements may also  
2 provide for the determination of the proper State in  
3 which leased vehicles shall be registered based on the  
4 factors set out in subsection (c) above and for  
5 apportionment of registration of fleets of leased  
6 vehicles by the lessee or by the lessor who leases such  
7 vehicles to persons who are not fleet operators.

8           (f) Such agreements or arrangements may also  
9 include reciprocal exemptions, benefits or privileges  
10 accruing under The Illinois Driver Licensing Law or The  
11 Driver License Compact.

12           (4) The Secretary of State is further authorized to  
13 examine the laws and requirements of other jurisdictions,  
14 and, in the absence of a written agreement or arrangement,  
15 to issue a written declaration of the extent and nature of  
16 the exemptions, benefits and privileges accorded to  
17 vehicles of this State by such other jurisdictions, and the  
18 extent and nature of reciprocal exemptions, benefits and  
19 privileges thereby accorded by this State to the vehicles  
20 of such other jurisdictions. A declaration by the Secretary  
21 of State may include any, part or all reciprocal  
22 exemptions, benefits and privileges or provisions as may be  
23 included within an agreement or arrangement.

24           (5) All agreements, arrangements, declarations and  
25 amendments thereto, shall be in writing and become  
26 effective when signed by the Secretary of State, and copies

1 of all such documents shall be available to the public upon  
2 request.

3 (6) The Secretary of State is further authorized to  
4 require the display by foreign registered trucks,  
5 truck-tractors and buses, entitled to reciprocal benefits,  
6 exemptions or privileges hereunder, a reciprocity permit  
7 for external display before any such reciprocal benefits,  
8 exemptions or privileges are granted. The Secretary of  
9 State shall provide suitable application forms for such  
10 permit and shall promulgate and publish reasonable rules  
11 and regulations for the administration and enforcement of  
12 the provisions of this Code including a provision for  
13 revocation of such permit as to any vehicle operated  
14 wilfully in violation of the terms of any reciprocal  
15 agreement, arrangement or declaration or in violation of  
16 the Illinois Motor Carrier of Property Law, as amended.

17 (7) (a) Upon the suspension, revocation or denial of  
18 one or more of all reciprocal benefits, privileges and  
19 exemptions existing pursuant to the terms and  
20 provisions of this Code or by virtue of a reciprocal  
21 agreement or arrangement or declaration thereunder;  
22 or, upon the suspension, revocation or denial of a  
23 reciprocity permit; or, upon any action or inaction of  
24 the Secretary in the administration and enforcement of  
25 the provisions of this Code, any person, resident or  
26 nonresident, so aggrieved, may serve upon the

1 Secretary, a petition in writing and under oath,  
2 setting forth the grievance of the petitioner, the  
3 grounds and basis for the relief sought, and all  
4 necessary facts and particulars, and request an  
5 administrative hearing thereon. Within 20 days, the  
6 Secretary shall set a hearing date as early as  
7 practical. The Secretary may, in his discretion,  
8 supply forms for such a petition. The Secretary may  
9 require the payment of a fee of not more than \$50 for  
10 the filing of any petition, motion, or request for  
11 hearing conducted pursuant to this Section. These fees  
12 must be deposited into the Secretary of State DUI  
13 Administration Fund, a special fund that is hereby  
14 created in the State treasury, and, subject to  
15 appropriation and as directed by the Secretary of  
16 State, shall be used to fund the operation of the  
17 hearings department of the Office of the Secretary of  
18 State and for no other purpose. Effective July 1, 2014,  
19 the Secretary shall, subject to appropriation by the  
20 General Assembly, also use the money paid into the  
21 Secretary of State DUI Administration Fund for costs  
22 incurred in the issuance of monitoring device driving  
23 permits, ignition interlock permits, and the holding  
24 of administrative hearings. The Secretary shall  
25 establish by rule the amount and the procedures, terms,  
26 and conditions relating to these fees.

1           (b) The Secretary may likewise, in his discretion  
2           and upon his own petition, order a hearing, when in his  
3           best judgment, any person is not entitled to the  
4           reciprocal benefits, privileges and exemptions  
5           existing pursuant to the terms and provisions of this  
6           Code or under a reciprocal agreement or arrangement or  
7           declaration thereunder or that a vehicle owned or  
8           operated by such person is improperly registered or  
9           licensed, or that an Illinois resident has improperly  
10          registered or licensed a vehicle in another  
11          jurisdiction for the purposes of violating or avoiding  
12          the registration laws of this State.

13          (c) The Secretary shall notify a petitioner or any  
14          other person involved of such a hearing, by giving at  
15          least 10 days notice, in writing, by U.S. Mail,  
16          Registered or Certified, or by personal service, at the  
17          last known address of such petitioner or person,  
18          specifying the time and place of such hearing. Such  
19          hearing shall be held before the Secretary, or any  
20          person as he may designate, and unless the parties  
21          mutually agree to some other county in Illinois, the  
22          hearing shall be held in the County of Sangamon or the  
23          County of Cook. Appropriate records of the hearing  
24          shall be kept, and the Secretary shall issue or cause  
25          to be issued, his decision on the case, within 30 days  
26          after the close of such hearing or within 30 days after

1 receipt of the transcript thereof, and a copy shall  
2 likewise be served or mailed to the petitioner or  
3 person involved.

4 (d) The actions or inactions or determinations, or  
5 findings and decisions upon an administrative hearing,  
6 of the Secretary, shall be subject to judicial review  
7 in the Circuit Court of the County of Sangamon or the  
8 County of Cook, and the provisions of the  
9 Administrative Review Law, and all amendments and  
10 modifications thereof and rules adopted pursuant  
11 thereto, apply to and govern all such reviewable  
12 matters.

13 Any reciprocal agreements or arrangements entered  
14 into by the Secretary of State or any declarations  
15 issued by the Secretary of State pursuant to any law in  
16 effect prior to the effective date of this Code are not  
17 hereby abrogated, and such shall continue in force and  
18 effect until amended pursuant to the provisions of this  
19 Code or expire pursuant to the terms or provisions  
20 thereof.

21 (Source: P.A. 92-418, eff. 8-17-01; 92-651, eff. 7-11-02.)

22 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

23 Sec. 4-203. Removal of motor vehicles or other vehicles;  
24 Towing or hauling away.

25 (a) When a vehicle is abandoned, or left unattended, on a

1 toll highway, interstate highway, or expressway for 2 hours or  
2 more, its removal by a towing service may be authorized by a  
3 law enforcement agency having jurisdiction.

4 (b) When a vehicle is abandoned on a highway in an urban  
5 district 10 hours or more, its removal by a towing service may  
6 be authorized by a law enforcement agency having jurisdiction.

7 (c) When a vehicle is abandoned or left unattended on a  
8 highway other than a toll highway, interstate highway, or  
9 expressway, outside of an urban district for 24 hours or more,  
10 its removal by a towing service may be authorized by a law  
11 enforcement agency having jurisdiction.

12 (d) When an abandoned, unattended, wrecked, burned or  
13 partially dismantled vehicle is creating a traffic hazard  
14 because of its position in relation to the highway or its  
15 physical appearance is causing the impeding of traffic, its  
16 immediate removal from the highway or private property adjacent  
17 to the highway by a towing service may be authorized by a law  
18 enforcement agency having jurisdiction.

19 (e) Whenever a peace officer reasonably believes that a  
20 person under arrest for a violation of Section 11-501 of this  
21 Code or a similar provision of a local ordinance is likely,  
22 upon release, to commit a subsequent violation of Section  
23 11-501, or a similar provision of a local ordinance, the  
24 arresting officer shall have the vehicle which the person was  
25 operating at the time of the arrest impounded for a period of  
26 not more than 12 hours after the time of arrest. However, such

1 vehicle may be released by the arresting law enforcement agency  
2 prior to the end of the impoundment period if:

3 (1) the vehicle was not owned by the person under  
4 arrest, and the lawful owner requesting such release  
5 possesses a valid operator's license, proof of ownership,  
6 and would not, as determined by the arresting law  
7 enforcement agency, indicate a lack of ability to operate a  
8 motor vehicle in a safe manner, or who would otherwise, by  
9 operating such motor vehicle, be in violation of this Code;  
10 or

11 (2) the vehicle is owned by the person under arrest,  
12 and the person under arrest gives permission to another  
13 person to operate such vehicle, provided however, that the  
14 other person possesses a valid operator's license and would  
15 not, as determined by the arresting law enforcement agency,  
16 indicate a lack of ability to operate a motor vehicle in a  
17 safe manner or who would otherwise, by operating such motor  
18 vehicle, be in violation of this Code.

19 (e-5) Whenever a registered owner of a vehicle is taken  
20 into custody for operating the vehicle in violation of Section  
21 11-501 of this Code or a similar provision of a local ordinance  
22 or Section 6-303 or 6-303.5 of this Code, a law enforcement  
23 officer may have the vehicle immediately impounded for a period  
24 not less than:

25 (1) 24 hours for a second violation of Section 11-501  
26 of this Code or a similar provision of a local ordinance or

1 Section 6-303 or 6-303.5 of this Code or a combination of  
2 these offenses; or

3 (2) 48 hours for a third violation of Section 11-501 of  
4 this Code or a similar provision of a local ordinance or  
5 Section 6-303 or 6-303.5 of this Code or a combination of  
6 these offenses.

7 The vehicle may be released sooner if the vehicle is owned  
8 by the person under arrest and the person under arrest gives  
9 permission to another person to operate the vehicle and that  
10 other person possesses a valid operator's license and would  
11 not, as determined by the arresting law enforcement agency,  
12 indicate a lack of ability to operate a motor vehicle in a safe  
13 manner or would otherwise, by operating the motor vehicle, be  
14 in violation of this Code.

15 (f) Except as provided in Chapter 18a of this Code, the  
16 owner or lessor of privately owned real property within this  
17 State, or any person authorized by such owner or lessor, or any  
18 law enforcement agency in the case of publicly owned real  
19 property may cause any motor vehicle abandoned or left  
20 unattended upon such property without permission to be removed  
21 by a towing service without liability for the costs of removal,  
22 transportation or storage or damage caused by such removal,  
23 transportation or storage. The towing or removal of any vehicle  
24 from private property without the consent of the registered  
25 owner or other legally authorized person in control of the  
26 vehicle is subject to compliance with the following conditions

1 and restrictions:

2 1. Any towed or removed vehicle must be stored at the  
3 site of the towing service's place of business. The site  
4 must be open during business hours, and for the purpose of  
5 redemption of vehicles, during the time that the person or  
6 firm towing such vehicle is open for towing purposes.

7 2. The towing service shall within 30 minutes of  
8 completion of such towing or removal, notify the law  
9 enforcement agency having jurisdiction of such towing or  
10 removal, and the make, model, color and license plate  
11 number of the vehicle, and shall obtain and record the name  
12 of the person at the law enforcement agency to whom such  
13 information was reported.

14 3. If the registered owner or legally authorized person  
15 entitled to possession of the vehicle shall arrive at the  
16 scene prior to actual removal or towing of the vehicle, the  
17 vehicle shall be disconnected from the tow truck and that  
18 person shall be allowed to remove the vehicle without  
19 interference, upon the payment of a reasonable service fee  
20 of not more than one half the posted rate of the towing  
21 service as provided in paragraph 6 of this subsection, for  
22 which a receipt shall be given.

23 4. The rebate or payment of money or any other valuable  
24 consideration from the towing service or its owners,  
25 managers or employees to the owners or operators of the  
26 premises from which the vehicles are towed or removed, for

1 the privilege of removing or towing those vehicles, is  
2 prohibited. Any individual who violates this paragraph  
3 shall be guilty of a Class A misdemeanor.

4 5. Except for property appurtenant to and obviously a  
5 part of a single family residence, and except for instances  
6 where notice is personally given to the owner or other  
7 legally authorized person in control of the vehicle that  
8 the area in which that vehicle is parked is reserved or  
9 otherwise unavailable to unauthorized vehicles and they  
10 are subject to being removed at the owner or operator's  
11 expense, any property owner or lessor, prior to towing or  
12 removing any vehicle from private property without the  
13 consent of the owner or other legally authorized person in  
14 control of that vehicle, must post a notice meeting the  
15 following requirements:

16 a. Except as otherwise provided in subparagraph  
17 a.1 of this subdivision (f)5, the notice must be  
18 prominently placed at each driveway access or curb cut  
19 allowing vehicular access to the property within 5 feet  
20 from the public right-of-way line. If there are no  
21 curbs or access barriers, the sign must be posted not  
22 less than one sign each 100 feet of lot frontage.

23 a.1. In a municipality with a population of less  
24 than 250,000, as an alternative to the requirement of  
25 subparagraph a of this subdivision (f)5, the notice for  
26 a parking lot contained within property used solely for

1 a 2-family, 3-family, or 4-family residence may be  
2 prominently placed at the perimeter of the parking lot,  
3 in a position where the notice is visible to the  
4 occupants of vehicles entering the lot.

5 b. The notice must indicate clearly, in not less  
6 than 2 inch high light-reflective letters on a  
7 contrasting background, that unauthorized vehicles  
8 will be towed away at the owner's expense.

9 c. The notice must also provide the name and  
10 current telephone number of the towing service towing  
11 or removing the vehicle.

12 d. The sign structure containing the required  
13 notices must be permanently installed with the bottom  
14 of the sign not less than 4 feet above ground level,  
15 and must be continuously maintained on the property for  
16 not less than 24 hours prior to the towing or removing  
17 of any vehicle.

18 6. Any towing service that tows or removes vehicles and  
19 proposes to require the owner, operator, or person in  
20 control of the vehicle to pay the costs of towing and  
21 storage prior to redemption of the vehicle must file and  
22 keep on record with the local law enforcement agency a  
23 complete copy of the current rates to be charged for such  
24 services, and post at the storage site an identical rate  
25 schedule and any written contracts with property owners,  
26 lessors, or persons in control of property which authorize

1           them to remove vehicles as provided in this Section. The  
2           towing and storage charges, however, shall not exceed the  
3           maximum allowed by the Illinois Commerce Commission under  
4           Section 18a-200.

5           7. No person shall engage in the removal of vehicles  
6           from private property as described in this Section without  
7           filing a notice of intent in each community where he  
8           intends to do such removal, and such notice shall be filed  
9           at least 7 days before commencing such towing.

10          8. No removal of a vehicle from private property shall  
11          be done except upon express written instructions of the  
12          owners or persons in charge of the private property upon  
13          which the vehicle is said to be trespassing.

14          9. Vehicle entry for the purpose of removal shall be  
15          allowed with reasonable care on the part of the person or  
16          firm towing the vehicle. Such person or firm shall be  
17          liable for any damages occasioned to the vehicle if such  
18          entry is not in accordance with the standards of reasonable  
19          care.

20          10. When a vehicle has been towed or removed pursuant  
21          to this Section, it must be released to its owner or  
22          custodian within one half hour after requested, if such  
23          request is made during business hours. Any vehicle owner or  
24          custodian or agent shall have the right to inspect the  
25          vehicle before accepting its return, and no release or  
26          waiver of any kind which would release the towing service

1 from liability for damages incurred during the towing and  
2 storage may be required from any vehicle owner or other  
3 legally authorized person as a condition of release of the  
4 vehicle. A detailed, signed receipt showing the legal name  
5 of the towing service must be given to the person paying  
6 towing or storage charges at the time of payment, whether  
7 requested or not.

8 This Section shall not apply to law enforcement,  
9 firefighting, rescue, ambulance, or other emergency vehicles  
10 which are marked as such or to property owned by any  
11 governmental entity.

12 When an authorized person improperly causes a motor vehicle  
13 to be removed, such person shall be liable to the owner or  
14 lessee of the vehicle for the cost or removal, transportation  
15 and storage, any damages resulting from the removal,  
16 transportation and storage, attorney's fee and court costs.

17 Any towing or storage charges accrued shall be payable by  
18 the use of any major credit card, in addition to being payable  
19 in cash.

20 11. Towing companies shall also provide insurance  
21 coverage for areas where vehicles towed under the  
22 provisions of this Chapter will be impounded or otherwise  
23 stored, and shall adequately cover loss by fire, theft or  
24 other risks.

25 Any person who fails to comply with the conditions and  
26 restrictions of this subsection shall be guilty of a Class C

1 misdemeanor and shall be fined not less than \$100 nor more than  
2 \$500.

3 (g) (1) When a vehicle is determined to be a hazardous  
4 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
5 Illinois Municipal Code or Section 5-12002.1 of the Counties  
6 Code, its removal and impoundment by a towing service may be  
7 authorized by a law enforcement agency with appropriate  
8 jurisdiction.

9 (2) When a vehicle removal from either public or private  
10 property is authorized by a law enforcement agency, the owner  
11 of the vehicle shall be responsible for all towing and storage  
12 charges.

13 (3) Vehicles removed from public or private property and  
14 stored by a commercial vehicle relocater or any other towing  
15 service authorized by a law enforcement agency in compliance  
16 with this Section and Sections 4-201 and 4-202 of this Code, or  
17 at the request of the vehicle owner or operator, shall be  
18 subject to a possessor lien for services pursuant to the Labor  
19 and Storage Lien (Small Amount) Act. The provisions of Section  
20 1 of that Act relating to notice and implied consent shall be  
21 deemed satisfied by compliance with Section 18a-302 and  
22 subsection (6) of Section 18a-300. In no event shall such lien  
23 be greater than the rate or rates established in accordance  
24 with subsection (6) of Section 18a-200 of this Code. In no  
25 event shall such lien be increased or altered to reflect any  
26 charge for services or materials rendered in addition to those

1 authorized by this Act. Every such lien shall be payable by use  
2 of any major credit card, in addition to being payable in cash.

3 (4) Any personal property belonging to the vehicle owner in  
4 a vehicle subject to a lien under this subsection (g) shall  
5 likewise be subject to that lien, excepting only: child  
6 restraint systems as defined in Section 4 of the Child  
7 Passenger Protection Act and other child booster seats;  
8 eyeglasses; food; medicine; perishable property; any  
9 operator's licenses; any cash, credit cards, or checks or  
10 checkbooks; any wallet, purse, or other property containing any  
11 operator's license or other identifying documents or  
12 materials, cash, credit cards, checks, or checkbooks; and any  
13 personal property belonging to a person other than the vehicle  
14 owner if that person provides adequate proof that the personal  
15 property belongs to that person. The spouse, child, mother,  
16 father, brother, or sister of the vehicle owner may claim  
17 personal property excepted under this paragraph (4) if the  
18 person claiming the personal property provides the commercial  
19 vehicle relocater or towing service with the authorization of  
20 the vehicle owner.

21 (5) This paragraph (5) applies only in the case of a  
22 vehicle that is towed as a result of being involved in an  
23 accident. In addition to the personal property excepted under  
24 paragraph (4), all other personal property in a vehicle subject  
25 to a lien under this subsection (g) is exempt from that lien  
26 and may be claimed by the vehicle owner if the vehicle owner

1 provides the commercial vehicle relocater or towing service  
2 with proof that the vehicle owner has an insurance policy  
3 covering towing and storage fees. The spouse, child, mother,  
4 father, brother, or sister of the vehicle owner may claim  
5 personal property in a vehicle subject to a lien under this  
6 subsection (g) if the person claiming the personal property  
7 provides the commercial vehicle relocater or towing service  
8 with the authorization of the vehicle owner and proof that the  
9 vehicle owner has an insurance policy covering towing and  
10 storage fees. The regulation of liens on personal property and  
11 exceptions to those liens in the case of vehicles towed as a  
12 result of being involved in an accident are exclusive powers  
13 and functions of the State. A home rule unit may not regulate  
14 liens on personal property and exceptions to those liens in the  
15 case of vehicles towed as a result of being involved in an  
16 accident. This paragraph (5) is a denial and limitation of home  
17 rule powers and functions under subsection (h) of Section 6 of  
18 Article VII of the Illinois Constitution.

19 (6) No lien under this subsection (g) shall: exceed \$2,000  
20 in its total amount; or be increased or altered to reflect any  
21 charge for services or materials rendered in addition to those  
22 authorized by this Act.

23 (h) Whenever a peace officer issues a citation to a driver  
24 for a violation of subsection (a) of Section 11-506 of this  
25 Code, the arresting officer may have the vehicle which the  
26 person was operating at the time of the arrest impounded for a

1 period of 5 days after the time of arrest. An impounding agency  
2 shall release a motor vehicle impounded under this subsection  
3 (h) to the registered owner of the vehicle under any of the  
4 following circumstances:

5 (1) If the vehicle is a stolen vehicle; or

6 (2) If the person ticketed for a violation of  
7 subsection (a) of Section 11-506 of this Code was not  
8 authorized by the registered owner of the vehicle to  
9 operate the vehicle at the time of the violation; or

10 (3) If the registered owner of the vehicle was neither  
11 the driver nor a passenger in the vehicle at the time of  
12 the violation or was unaware that the driver was using the  
13 vehicle to engage in street racing; or

14 (4) If the legal owner or registered owner of the  
15 vehicle is a rental car agency; or

16 (5) If, prior to the expiration of the impoundment  
17 period specified above, the citation is dismissed or the  
18 defendant is found not guilty of the offense.

19 (Source: P.A. 96-1274, eff. 7-26-10; 96-1506, eff. 1-27-11;  
20 97-779, eff. 7-13-12.)

21 (625 ILCS 5/6-103.1)

22 Sec. 6-103.1. New residents; out-of-state revocation.

23 (a) The Secretary of State may not issue a driver's license  
24 to a nonresident who becomes a resident of this State while the  
25 new resident's driving privileges are revoked, under terms

1 similar to those provided in Section 1-176 of this Code, in  
2 another state.

3 (b) The Secretary may issue restricted driving permits or  
4 ignition interlock permits to new residents whose driving  
5 privileges are revoked in another state. These permits must be  
6 issued according to the restrictions, and for the purposes,  
7 stated in Sections 6-205, ~~and 6-206,~~ and 6-206.5 of this Code.  
8 The Secretary shall adopt rules for the issuance of these  
9 permits.

10 (c) Any ~~A restricted driving~~ permit issued under this  
11 Section is subject to cancellation, revocation, and suspension  
12 by the Secretary of State in the same manner and for the same  
13 causes as a driver's license issued under this Code may be  
14 cancelled, revoked, or suspended, except that a conviction of  
15 one or more offenses against laws or ordinances regulating the  
16 movement of traffic is sufficient cause for the revocation,  
17 suspension, or cancellation of a ~~restricted driving~~ permit.

18 (Source: P.A. 94-473, eff. 1-1-06; 94-930, eff. 6-26-06.)

19 (625 ILCS 5/6-118)

20 Sec. 6-118. Fees.

21 (a) The fee for licenses and permits under this Article is  
22 as follows:

23 Original driver's license ..... \$30

24 Original or renewal driver's license

25 issued to 18, 19 and 20 year olds ..... 5

1 All driver's licenses for persons

2 age 69 through age 80 ..... 5

3 All driver's licenses for persons

4 age 81 through age 86 ..... 2

5 All driver's licenses for persons

6 age 87 or older ..... 0

7 Renewal driver's license (except for

8 applicants ages 18, 19 and 20 or

9 age 69 and older) ..... 30

10 Original instruction permit issued to

11 persons (except those age 69 and older)

12 who do not hold or have not previously

13 held an Illinois instruction permit or

14 driver's license ..... 20

15 Instruction permit issued to any person

16 holding an Illinois driver's license

17 who wishes a change in classifications,

18 other than at the time of renewal ..... 5

19 Any instruction permit issued to a person

20 age 69 and older ..... 5

21 Instruction permit issued to any person,

22 under age 69, not currently holding a

23 valid Illinois driver's license or

24 instruction permit but who has

25 previously been issued either document

26 in Illinois ..... 10

1           Restricted driving permit ..... 8

2           Ignition interlock ~~Monitoring device driving~~ permit .... 8

3           Duplicate or corrected driver's license

4                 or permit ..... 5

5           Duplicate or corrected restricted

6                 driving permit ..... 5

7           Duplicate or corrected ignition ~~monitoring~~

8           interlock ~~device driving~~ permit ..... 5

9           Duplicate driver's license or permit issued to

10                 an active-duty member of the

11                 United States Armed Forces,

12                 the member's spouse, or

13                 the dependent children living

14                 with the member ..... 0

15           Original or renewal M or L endorsement..... 5

16   SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

17           The fees for commercial driver licenses and permits

18           under Article V shall be as follows:

19           Commercial driver's license:

20                 \$6 for the CDLIS/AAMVAnet Trust Fund

21                 (Commercial Driver's License Information

22                 System/American Association of Motor Vehicle

23                 Administrators network Trust Fund);

24                 \$20 for the Motor Carrier Safety Inspection Fund;

25                 \$10 for the driver's license;

26                 and \$24 for the CDL: ..... \$60

1           Renewal commercial driver's license:  
 2                 \$6 for the CDLIS/AAMVAnet Trust Fund;  
 3                 \$20 for the Motor Carrier Safety Inspection Fund;  
 4                 \$10 for the driver's license; and  
 5                 \$24 for the CDL: ..... \$60

6           Commercial driver instruction permit  
 7                 issued to any person holding a valid  
 8                 Illinois driver's license for the  
 9                 purpose of changing to a  
 10                CDL classification: \$6 for the  
 11                CDLIS/AAMVAnet Trust Fund;  
 12                \$20 for the Motor Carrier  
 13                Safety Inspection Fund; and  
 14                \$24 for the CDL classification ..... \$50

15          Commercial driver instruction permit  
 16                issued to any person holding a valid  
 17                Illinois CDL for the purpose of  
 18                making a change in a classification,  
 19                endorsement or restriction ..... \$5  
 20          CDL duplicate or corrected license ..... \$5

21          In order to ensure the proper implementation of the Uniform  
 22          Commercial Driver License Act, Article V of this Chapter, the  
 23          Secretary of State is empowered to pro-rate the \$24 fee for the  
 24          commercial driver's license proportionate to the expiration  
 25          date of the applicant's Illinois driver's license.

26          The fee for any duplicate license or permit shall be waived

1 for any person who presents the Secretary of State's office  
2 with a police report showing that his license or permit was  
3 stolen.

4 The fee for any duplicate license or permit shall be waived  
5 for any person age 60 or older whose driver's license or permit  
6 has been lost or stolen.

7 No additional fee shall be charged for a driver's license,  
8 or for a commercial driver's license, when issued to the holder  
9 of an instruction permit for the same classification or type of  
10 license who becomes eligible for such license.

11 (b) Any person whose license or privilege to operate a  
12 motor vehicle in this State has been suspended or revoked under  
13 Section 3-707, any provision of Chapter 6, Chapter 11, or  
14 Section 7-205, 7-303, or 7-702 of the Family Financial  
15 Responsibility Law of this Code, shall in addition to any other  
16 fees required by this Code, pay a reinstatement fee as follows:

17	Suspension under Section 3-707 .....	\$100
18	Summary suspension under Section 11-501.1 .....	\$250
19	Summary revocation under Section 11-501.1 .....	\$500
20	Other suspension .....	\$70
21	Revocation .....	\$500

22 However, any person whose license or privilege to operate a  
23 motor vehicle in this State has been suspended or revoked for a  
24 second or subsequent time for a violation of Section 11-501 or  
25 11-501.1 of this Code or a similar provision of a local  
26 ordinance or a similar out-of-state offense or Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012 and each  
 2 suspension or revocation was for a violation of Section 11-501  
 3 or 11-501.1 of this Code or a similar provision of a local  
 4 ordinance or a similar out-of-state offense or Section 9-3 of  
 5 the Criminal Code of 1961 or the Criminal Code of 2012 shall  
 6 pay, in addition to any other fees required by this Code, a  
 7 reinstatement fee as follows:

8	Summary suspension under Section 11-501.1 .....	\$500
9	Summary revocation under Section 11-501.1 .....	\$500
10	Revocation .....	\$500

11 (c) All fees collected under the provisions of this Chapter  
 12 shall be paid into the Road Fund in the State Treasury except  
 13 as follows:

14 1. The following amounts shall be paid into the Driver  
 15 Education Fund:

16 (A) \$16 of the \$20 fee for an original driver's  
 17 instruction permit;

18 (B) \$5 of the \$30 fee for an original driver's  
 19 license;

20 (C) \$5 of the \$30 fee for a 4 year renewal driver's  
 21 license;

22 (D) \$4 of the \$8 fee for a restricted driving  
 23 permit; and

24 (E) \$4 of the \$8 fee for a monitoring device  
 25 driving permit or ignition interlock permit.

26 2. \$30 of the \$250 fee for reinstatement of a license

1       summarily suspended under Section 11-501.1 shall be  
2       deposited into the Drunk and Drugged Driving Prevention  
3       Fund. However, for a person whose license or privilege to  
4       operate a motor vehicle in this State has been suspended or  
5       revoked for a second or subsequent time for a violation of  
6       Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
7       the Criminal Code of 1961 or the Criminal Code of 2012,  
8       \$190 of the \$500 fee for reinstatement of a license  
9       summarily suspended under Section 11-501.1, and \$190 of the  
10      \$500 fee for reinstatement of a revoked license shall be  
11      deposited into the Drunk and Drugged Driving Prevention  
12      Fund. \$190 of the \$500 fee for reinstatement of a license  
13      summarily revoked pursuant to Section 11-501.1 shall be  
14      deposited into the Drunk and Drugged Driving Prevention  
15      Fund.

16           3. \$6 of such original or renewal fee for a commercial  
17      driver's license and \$6 of the commercial driver  
18      instruction permit fee when such permit is issued to any  
19      person holding a valid Illinois driver's license, shall be  
20      paid into the CDLIS/AAMVAnet Trust Fund.

21           4. \$30 of the \$70 fee for reinstatement of a license  
22      suspended under the Family Financial Responsibility Law  
23      shall be paid into the Family Responsibility Fund.

24           5. The \$5 fee for each original or renewal M or L  
25      endorsement shall be deposited into the Cycle Rider Safety  
26      Training Fund.

1           6. \$20 of any original or renewal fee for a commercial  
2 driver's license or commercial driver instruction permit  
3 shall be paid into the Motor Carrier Safety Inspection  
4 Fund.

5           7. The following amounts shall be paid into the General  
6 Revenue Fund:

7           (A) \$190 of the \$250 reinstatement fee for a  
8 summary suspension under Section 11-501.1;

9           (B) \$40 of the \$70 reinstatement fee for any other  
10 suspension provided in subsection (b) of this Section;  
11 and

12           (C) \$440 of the \$500 reinstatement fee for a first  
13 offense revocation and \$310 of the \$500 reinstatement  
14 fee for a second or subsequent revocation.

15           (d) All of the proceeds of the additional fees imposed by  
16 this amendatory Act of the 96th General Assembly shall be  
17 deposited into the Capital Projects Fund.

18           (e) The additional fees imposed by this amendatory Act of  
19 the 96th General Assembly shall become effective 90 days after  
20 becoming law.

21           (f) As used in this Section, "active-duty member of the  
22 United States Armed Forces" means a member of the Armed  
23 Services or Reserve Forces of the United States or a member of  
24 the Illinois National Guard who is called to active duty  
25 pursuant to an executive order of the President of the United  
26 States, an act of the Congress of the United States, or an

1 order of the Governor.

2 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09;  
3 96-1231, eff. 7-23-10; 96-1344, eff. 7-1-11; 97-333, eff.  
4 8-12-11; 97-1150, eff. 1-25-13.)

5 (625 ILCS 5/6-201)

6 Sec. 6-201. Authority to cancel licenses and permits.

7 (a) The Secretary of State is authorized to cancel any  
8 license or permit upon determining that the holder thereof:

9 1. was not entitled to the issuance thereof hereunder;

10 or

11 2. failed to give the required or correct information  
12 in his application; or

13 3. failed to pay any fees, civil penalties owed to the  
14 Illinois Commerce Commission, or taxes due under this Act  
15 and upon reasonable notice and demand; or

16 4. committed any fraud in the making of such  
17 application; or

18 5. is ineligible therefor under the provisions of  
19 Section 6-103 of this Act, as amended; or

20 6. has refused or neglected to submit an alcohol, drug,  
21 and intoxicating compound evaluation or to submit to  
22 examination or re-examination as required under this Act;  
23 or

24 7. (blank); ~~or has been convicted of violating the~~  
25 ~~Cannabis Control Act, the Illinois Controlled Substances~~

1 ~~Act, the Methamphetamine Control and Community Protection~~  
2 ~~Act, or the Use of Intoxicating Compounds Act while that~~  
3 ~~individual was in actual physical control of a motor~~  
4 ~~vehicle. For purposes of this Section, any person placed on~~  
5 ~~probation under Section 10 of the Cannabis Control Act,~~  
6 ~~Section 410 of the Illinois Controlled Substances Act, or~~  
7 ~~Section 70 of the Methamphetamine Control and Community~~  
8 ~~Protection Act shall not be considered convicted. Any~~  
9 ~~person found guilty of this offense, while in actual~~  
10 ~~physical control of a motor vehicle, shall have an entry~~  
11 ~~made in the court record by the judge that this offense did~~  
12 ~~occur while the person was in actual physical control of a~~  
13 ~~motor vehicle and order the clerk of the court to report~~  
14 ~~the violation to the Secretary of State as such. After the~~  
15 ~~cancellation, the Secretary of State shall not issue a new~~  
16 ~~license or permit for a period of one year after the date~~  
17 ~~of cancellation. However, upon application, the Secretary~~  
18 ~~of State may, if satisfied that the person applying will~~  
19 ~~not endanger the public safety, or welfare, issue a~~  
20 ~~restricted driving permit granting the privilege of~~  
21 ~~driving a motor vehicle between the petitioner's residence~~  
22 ~~and petitioner's place of employment or within the scope of~~  
23 ~~the petitioner's employment related duties, or to allow~~  
24 ~~transportation for the petitioner or a household member of~~  
25 ~~the petitioner's family for the receipt of necessary~~  
26 ~~medical care, or provide transportation for the petitioner~~

1 ~~to and from alcohol or drug remedial or rehabilitative~~  
2 ~~activity recommended by a licensed service provider, or for~~  
3 ~~the petitioner to attend classes, as a student, in an~~  
4 ~~accredited educational institution. The petitioner must~~  
5 ~~demonstrate that no alternative means of transportation is~~  
6 ~~reasonably available; provided that the Secretary's~~  
7 ~~discretion shall be limited to cases where undue hardship,~~  
8 ~~as defined by the rules of the Secretary of State, would~~  
9 ~~result from a failure to issue such restricted driving~~  
10 ~~permit. In each case the Secretary of State may issue such~~  
11 ~~restricted driving permit for such period as he deems~~  
12 ~~appropriate, except that such permit shall expire within~~  
13 ~~one year from the date of issuance. A restricted driving~~  
14 ~~permit issued hereunder shall be subject to cancellation,~~  
15 ~~revocation and suspension by the Secretary of State in like~~  
16 ~~manner and for like cause as a driver's license issued~~  
17 ~~hereunder may be cancelled, revoked or suspended; except~~  
18 ~~that a conviction upon one or more offenses against laws or~~  
19 ~~ordinances regulating the movement of traffic shall be~~  
20 ~~deemed sufficient cause for the revocation, suspension or~~  
21 ~~cancellation of a restricted driving permit. The Secretary~~  
22 ~~of State may, as a condition to the issuance of a~~  
23 ~~restricted driving permit, require the applicant to~~  
24 ~~participate in a driver remedial or rehabilitative~~  
25 ~~program. In accordance with 49 C.F.R. 384, the Secretary of~~  
26 ~~State may not issue a restricted driving permit for the~~

1 ~~operation of a commercial motor vehicle to a person holding~~  
2 ~~a CDL whose driving privileges have been revoked,~~  
3 ~~suspended, cancelled, or disqualified under this Code; or~~

4 8. failed to submit a report as required by Section  
5 6-116.5 of this Code; or

6 9. has been convicted of a sex offense as defined in  
7 the Sex Offender Registration Act. The driver's license  
8 shall remain cancelled until the driver registers as a sex  
9 offender as required by the Sex Offender Registration Act,  
10 proof of the registration is furnished to the Secretary of  
11 State and the sex offender provides proof of current  
12 address to the Secretary; or

13 10. is ineligible for a license or permit under Section  
14 6-107, 6-107.1, or 6-108 of this Code; or

15 11. refused or neglected to appear at a Driver Services  
16 facility to have the license or permit corrected and a new  
17 license or permit issued or to present documentation for  
18 verification of identity; or

19 12. failed to submit a medical examiner's certificate  
20 or medical variance as required by 49 C.F.R. 383.71 or  
21 submitted a fraudulent medical examiner's certificate or  
22 medical variance; or

23 13. has had his or her medical examiner's certificate,  
24 medical variance, or both removed or rescinded by the  
25 Federal Motor Carrier Safety Administration; or

26 14. failed to self-certify as to the type of driving in

1 which the CDL driver engages or expects to engage.

2 (b) Upon such cancellation the licensee or permittee must  
3 surrender the license or permit so cancelled to the Secretary  
4 of State.

5 (c) Except as provided in Section ~~Sections 6-206.1 and~~  
6 7-702.1, the Secretary of State shall have exclusive authority  
7 to grant, issue, deny, cancel, suspend and revoke driving  
8 privileges, drivers' licenses and restricted driving permits.

9 (d) The Secretary of State may adopt rules to implement  
10 this Section.

11 (Source: P.A. 97-208, eff. 1-1-12; 97-229; eff. 7-28-11;  
12 97-813, eff. 7-13-12; 97-835, eff. 7-20-12.)

13 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

14 Sec. 6-203.1. (a) The Secretary of State is authorized to  
15 suspend, for the period set forth in Section 6-208.1, the  
16 driving privileges of persons arrested in another state for  
17 driving under the influence of alcohol, other drug or drugs, or  
18 intoxicating compound or compounds, or any combination  
19 thereof, or a similar provision, and who has refused to submit  
20 to a chemical test or tests under the provisions of implied  
21 consent.

22 (b) When a driving privilege has been suspended for a  
23 refusal as provided in paragraph (a) and the person is  
24 subsequently convicted of the underlying charge, for the same  
25 incident, any period served on suspension shall be credited

1 toward the minimum period of revocation of driving privileges  
2 imposed pursuant to Section 6-206.

3 (c) A person whose license is suspended under this Section  
4 for refusal to submit to a chemical test or tests under the  
5 provisions of implied consent of this Code, is subject to the  
6 provisions of subsections (a-5) and (b) of Section 6-208.1 of  
7 this Code.

8 (Source: P.A. 96-607, eff. 8-24-09.)

9 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

10 Sec. 6-204. When Court to forward License and Reports.

11 (a) For the purpose of providing to the Secretary of State  
12 the records essential to the performance of the Secretary's  
13 duties under this Code to cancel, revoke or suspend the  
14 driver's license and privilege to drive motor vehicles of  
15 certain minors adjudicated truant minors in need of  
16 supervision, addicted, or delinquent and of persons found  
17 guilty of the criminal offenses or traffic violations which  
18 this Code recognizes as evidence relating to unfitness to  
19 safely operate motor vehicles, the following duties are imposed  
20 upon public officials:

21 (1) Whenever any person is convicted of any offense for  
22 which this Code makes mandatory the cancellation or  
23 revocation of the driver's license or permit of such person  
24 by the Secretary of State, the judge of the court in which  
25 such conviction is had shall require the surrender to the

1 clerk of the court of all driver's licenses or permits then  
2 held by the person so convicted, and the clerk of the court  
3 shall, within 5 days thereafter, forward the same, together  
4 with a report of such conviction, to the Secretary.

5 (2) Whenever any person is convicted of any offense  
6 under this Code or similar offenses under a municipal  
7 ordinance, other than regulations governing standing,  
8 parking or weights of vehicles, and excepting the following  
9 enumerated Sections of this Code: Sections 11-1406  
10 (obstruction to driver's view or control), 11-1407  
11 (improper opening of door into traffic), 11-1410 (coasting  
12 on downgrade), 11-1411 (following fire apparatus),  
13 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
14 vehicle which is in unsafe condition or improperly  
15 equipped), 12-201(a) (daytime lights on motorcycles),  
16 12-202 (clearance, identification and side marker lamps),  
17 12-204 (lamp or flag on projecting load), 12-205 (failure  
18 to display the safety lights required), 12-401  
19 (restrictions as to tire equipment), 12-502 (mirrors),  
20 12-503 (windshields must be unobstructed and equipped with  
21 wipers), 12-601 (horns and warning devices), 12-602  
22 (mufflers, prevention of noise or smoke), 12-603 (seat  
23 safety belts), 12-702 (certain vehicles to carry flares or  
24 other warning devices), 12-703 (vehicles for oiling roads  
25 operated on highways), 12-710 (splash guards and  
26 replacements), 13-101 (safety tests), 15-101 (size, weight

1 and load), 15-102 (width), 15-103 (height), 15-104 (name  
2 and address on second division vehicles), 15-107 (length of  
3 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
4 15-112 (weights), 15-301 (weights), 15-316 (weights),  
5 15-318 (weights), and also excepting the following  
6 enumerated Sections of the Chicago Municipal Code:  
7 Sections 27-245 (following fire apparatus), 27-254  
8 (obstruction of traffic), 27-258 (driving vehicle which is  
9 in unsafe condition), 27-259 (coasting on downgrade),  
10 27-264 (use of horns and signal devices), 27-265  
11 (obstruction to driver's view or driver mechanism), 27-267  
12 (dimming of headlights), 27-268 (unattended motor  
13 vehicle), 27-272 (illegal funeral procession), 27-273  
14 (funeral procession on boulevard), 27-275 (driving freight  
15 hauling vehicles on boulevard), 27-276 (stopping and  
16 standing of buses or taxicabs), 27-277 (cruising of public  
17 passenger vehicles), 27-305 (parallel parking), 27-306  
18 (diagonal parking), 27-307 (parking not to obstruct  
19 traffic), 27-308 (stopping, standing or parking  
20 regulated), 27-311 (parking regulations), 27-312 (parking  
21 regulations), 27-313 (parking regulations), 27-314  
22 (parking regulations), 27-315 (parking regulations),  
23 27-316 (parking regulations), 27-317 (parking  
24 regulations), 27-318 (parking regulations), 27-319  
25 (parking regulations), 27-320 (parking regulations),  
26 27-321 (parking regulations), 27-322 (parking

1 regulations), 27-324 (loading and unloading at an angle),  
2 27-333 (wheel and axle loads), 27-334 (load restrictions in  
3 the downtown district), 27-335 (load restrictions in  
4 residential areas), 27-338 (width of vehicles), 27-339  
5 (height of vehicles), 27-340 (length of vehicles), 27-352  
6 (reflectors on trailers), 27-353 (mufflers), 27-354  
7 (display of plates), 27-355 (display of city vehicle tax  
8 sticker), 27-357 (identification of vehicles), 27-358  
9 (projecting of loads), and also excepting the following  
10 enumerated paragraphs of Section 2-201 of the Rules and  
11 Regulations of the Illinois State Toll Highway Authority:  
12 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
13 transporting dangerous cargo not properly indicated), it  
14 shall be the duty of the clerk of the court in which such  
15 conviction is had within 5 days thereafter to forward to  
16 the Secretary of State a report of the conviction and the  
17 court may recommend the suspension of the driver's license  
18 or permit of the person so convicted.

19 The reporting requirements of this subsection shall apply  
20 to all violations stated in paragraphs (1) and (2) of this  
21 subsection when the individual has been adjudicated under the  
22 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
23 reporting requirements shall also apply to individuals  
24 adjudicated under the Juvenile Court Act or the Juvenile Court  
25 Act of 1987 who have committed a violation of Section 11-501 of  
26 this Code, or similar provision of a local ordinance, or

1 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
2 of 2012, relating to the offense of reckless homicide. These  
3 reporting requirements also apply to individuals adjudicated  
4 under the Juvenile Court Act of 1987 based on any offense  
5 determined to have been committed in furtherance of the  
6 criminal activities of an organized gang, as provided in  
7 Section 5-710 of that Act, and that involved the operation or  
8 use of a motor vehicle or the use of a driver's license or  
9 permit. The reporting requirements of this subsection shall  
10 also apply to a truant minor in need of supervision, an  
11 addicted minor, or a delinquent minor and whose driver's  
12 license and privilege to drive a motor vehicle has been ordered  
13 suspended for such times as determined by the Court, but only  
14 until he or she attains 18 years of age. It shall be the duty of  
15 the clerk of the court in which adjudication is had within 5  
16 days thereafter to forward to the Secretary of State a report  
17 of the adjudication and the court order requiring the Secretary  
18 of State to suspend the minor's driver's license and driving  
19 privilege for such time as determined by the Court, but only  
20 until he or she attains the age of 18 years. All juvenile court  
21 dispositions reported to the Secretary of State under this  
22 provision shall be processed by the Secretary of State as if  
23 the cases had been adjudicated in traffic or criminal court.  
24 However, information reported relative to the offense of  
25 reckless homicide, or Section 11-501 of this Code, or a similar  
26 provision of a local ordinance, shall be privileged and

1 available only to the Secretary of State, courts, and police  
2 officers.

3           The reporting requirements of this subsection (a)  
4 apply to all violations listed in paragraphs (1) and (2) of  
5 this subsection (a), excluding parking violations, when  
6 the driver holds a CDL, regardless of the type of vehicle  
7 in which the violation occurred, or when any driver  
8 committed the violation in a commercial motor vehicle as  
9 defined in Section 6-500 of this Code.

10           (3) Whenever an order is entered vacating the  
11 forfeiture of any bail, security or bond given to secure  
12 appearance for any offense under this Code or similar  
13 offenses under municipal ordinance, it shall be the duty of  
14 the clerk of the court in which such vacation was had or  
15 the judge of such court if such court has no clerk, within  
16 5 days thereafter to forward to the Secretary of State a  
17 report of the vacation.

18           (4) A report of any disposition of court supervision  
19 for a violation of Sections 6-303, 6-303.5, 11-401, 11-501  
20 or a similar provision of a local ordinance, 11-503,  
21 11-504, and 11-506 shall be forwarded to the Secretary of  
22 State. A report of any disposition of court supervision for  
23 a violation of an offense defined as a serious traffic  
24 violation in this Code or a similar provision of a local  
25 ordinance committed by a person under the age of 21 years  
26 shall be forwarded to the Secretary of State.

1           (5) Reports of conviction under this Code and  
2 sentencing hearings under the Juvenile Court Act of 1987 in  
3 an electronic format or a computer processible medium shall  
4 be forwarded to the Secretary of State via the Supreme  
5 Court in the form and format required by the Illinois  
6 Supreme Court and established by a written agreement  
7 between the Supreme Court and the Secretary of State. In  
8 counties with a population over 300,000, instead of  
9 forwarding reports to the Supreme Court, reports of  
10 conviction under this Code and sentencing hearings under  
11 the Juvenile Court Act of 1987 in an electronic format or a  
12 computer processible medium may be forwarded to the  
13 Secretary of State by the Circuit Court Clerk in a form and  
14 format required by the Secretary of State and established  
15 by written agreement between the Circuit Court Clerk and  
16 the Secretary of State. Failure to forward the reports of  
17 conviction or sentencing hearing under the Juvenile Court  
18 Act of 1987 as required by this Section shall be deemed an  
19 omission of duty and it shall be the duty of the several  
20 State's Attorneys to enforce the requirements of this  
21 Section.

22           (b) Whenever a restricted driving permit is forwarded to a  
23 court, as a result of confiscation by a police officer pursuant  
24 to the authority in Section 6-113(f), it shall be the duty of  
25 the clerk, or judge, if the court has no clerk, to forward such  
26 restricted driving permit and a facsimile of the officer's

1 citation to the Secretary of State as expeditiously as  
2 practicable.

3 (c) For the purposes of this Code, a forfeiture of bail or  
4 collateral deposited to secure a defendant's appearance in  
5 court when forfeiture has not been vacated, or the failure of a  
6 defendant to appear for trial after depositing his driver's  
7 license in lieu of other bail, shall be equivalent to a  
8 conviction.

9 (d) For the purpose of providing the Secretary of State  
10 with records necessary to properly monitor and assess driver  
11 performance and assist the courts in the proper disposition of  
12 repeat traffic law offenders, the clerk of the court shall  
13 forward to the Secretary of State, on a form prescribed by the  
14 Secretary, records of a driver's participation in a driver  
15 remedial or rehabilitative program which was required, through  
16 a court order or court supervision, in relation to the driver's  
17 arrest for a violation of Section 11-501 of this Code or a  
18 similar provision of a local ordinance. The clerk of the court  
19 shall also forward to the Secretary, either on paper or in an  
20 electronic format or a computer processible medium as required  
21 under paragraph (5) of subsection (a) of this Section, any  
22 disposition of court supervision for any traffic violation,  
23 excluding those offenses listed in paragraph (2) of subsection  
24 (a) of this Section. These reports shall be sent within 5 days  
25 after disposition, or, if the driver is referred to a driver  
26 remedial or rehabilitative program, within 5 days of the

1 driver's referral to that program. These reports received by  
2 the Secretary of State, including those required to be  
3 forwarded under paragraph (a)(4), shall be privileged  
4 information, available only (i) to the affected driver, (ii) to  
5 the parent or guardian of a person under the age of 18 years  
6 holding an instruction permit or a graduated driver's license,  
7 and (iii) for use by the courts, police officers, prosecuting  
8 authorities, the Secretary of State, and the driver licensing  
9 administrator of any other state. In accordance with 49 C.F.R.  
10 Part 384, all reports of court supervision, except violations  
11 related to parking, shall be forwarded to the Secretary of  
12 State for all holders of a CDL or any driver who commits an  
13 offense while driving a commercial motor vehicle. These reports  
14 shall be recorded to the driver's record as a conviction for  
15 use in the disqualification of the driver's commercial motor  
16 vehicle privileges and shall not be privileged information.

17 (Source: P.A. 97-1150, eff. 1-25-13.)

18 (625 ILCS 5/6-205)

19 Sec. 6-205. Mandatory revocation of license or permit;  
20 Hardship cases.

21 (a) Except as provided in this Section, the Secretary of  
22 State shall immediately revoke the license, permit, or driving  
23 privileges of any driver upon receiving a report of the  
24 driver's conviction of any of the following offenses:

25 1. Reckless homicide resulting from the operation of a

1 motor vehicle;

2 2. Violation of Section 11-501 of this Code or a  
3 similar provision of a local ordinance relating to the  
4 offense of operating or being in physical control of a  
5 vehicle while under the influence of alcohol, other drug or  
6 drugs, intoxicating compound or compounds, or any  
7 combination thereof;

8 3. Any felony under the laws of any State or the  
9 federal government in the commission of which a motor  
10 vehicle was used;

11 4. Violation of Section 11-401 of this Code relating to  
12 the offense of leaving the scene of a traffic accident  
13 involving death or personal injury;

14 5. Perjury or the making of a false affidavit or  
15 statement under oath to the Secretary of State under this  
16 Code or under any other law relating to the ownership or  
17 operation of motor vehicles;

18 6. Conviction upon 3 charges of violation of Section  
19 11-503 of this Code relating to the offense of reckless  
20 driving committed within a period of 12 months;

21 7. Conviction of any offense defined in Section 4-102  
22 of this Code;

23 8. Violation of Section 11-504 of this Code relating to  
24 the offense of drag racing;

25 9. Violation of Chapters 8 and 9 of this Code;

26 10. Violation of Section 12-5 of the Criminal Code of

1 1961 or the Criminal Code of 2012 arising from the use of a  
2 motor vehicle;

3 11. Violation of Section 11-204.1 of this Code relating  
4 to aggravated fleeing or attempting to elude a peace  
5 officer;

6 12. Violation of paragraph (1) of subsection (b) of  
7 Section 6-507, or a similar law of any other state,  
8 relating to the unlawful operation of a commercial motor  
9 vehicle;

10 13. Violation of paragraph (a) of Section 11-502 of  
11 this Code or a similar provision of a local ordinance if  
12 the driver has been previously convicted of a violation of  
13 that Section or a similar provision of a local ordinance  
14 and the driver was less than 21 years of age at the time of  
15 the offense;

16 14. Violation of paragraph (a) of Section 11-506 of  
17 this Code or a similar provision of a local ordinance  
18 relating to the offense of street racing;

19 15. A second or subsequent conviction of driving while  
20 the person's driver's license, permit or privileges was  
21 revoked for reckless homicide or a similar out-of-state  
22 offense;

23 16. Any offense against any provision in this Code, or  
24 any local ordinance, regulating the movement of traffic  
25 when that offense was the proximate cause of the death of  
26 any person. Any person whose driving privileges have been

1       revoked pursuant to this paragraph may seek to have the  
2       revocation terminated or to have the length of revocation  
3       reduced by requesting an administrative hearing with the  
4       Secretary of State prior to the projected driver's license  
5       application eligibility date;

6             17. Violation of subsection (a-2) of Section 11-1301.3  
7       of this Code or a similar provision of a local ordinance;

8             18. A second or subsequent conviction of illegal  
9       possession, while operating or in actual physical control,  
10      as a driver, of a motor vehicle, of any controlled  
11      substance prohibited under the Illinois Controlled  
12      Substances Act, any cannabis prohibited under the Cannabis  
13      Control Act, or any methamphetamine prohibited under the  
14      Methamphetamine Control and Community Protection Act. A  
15      defendant found guilty of this offense while operating a  
16      motor vehicle shall have an entry made in the court record  
17      by the presiding judge that this offense did occur while  
18      the defendant was operating a motor vehicle and order the  
19      clerk of the court to report the violation to the Secretary  
20      of State.

21            (b) The Secretary of State shall also immediately revoke  
22      the license or permit of any driver in the following  
23      situations:

24             1. Of any minor upon receiving the notice provided for  
25      in Section 5-901 of the Juvenile Court Act of 1987 that the  
26      minor has been adjudicated under that Act as having

1 committed an offense relating to motor vehicles prescribed  
2 in Section 4-103 of this Code;

3 2. Of any person when any other law of this State  
4 requires either the revocation or suspension of a license  
5 or permit;

6 3. Of any person adjudicated under the Juvenile Court  
7 Act of 1987 based on an offense determined to have been  
8 committed in furtherance of the criminal activities of an  
9 organized gang as provided in Section 5-710 of that Act,  
10 and that involved the operation or use of a motor vehicle  
11 or the use of a driver's license or permit. The revocation  
12 shall remain in effect for the period determined by the  
13 court. Upon the direction of the court, the Secretary shall  
14 issue the person a restricted judicial driving permit, ~~also~~  
15 ~~known as a JDP. The JDP shall be subject to the same terms~~  
16 ~~as a JDP issued under Section 6-206.1, except that the~~  
17 ~~court may direct that a JDP issued under this subdivision~~  
18 ~~(b)(3) be effective immediately.~~

19 (c) (1) Whenever the license, permit, or driving privileges  
20 of a person is convicted of revoked under any of the provisions  
21 enumerated in this Section, except for those persons  
22 revoked under paragraph (1) of subsection (a) of this Section  
23 where alcohol, drugs, or both were recited as an element of the  
24 offense or paragraph (2) of subsection (a) of this Section, ~~the~~  
25 ~~court may recommend and~~ the Secretary of State in his  
26 discretion, ~~without regard to whether the recommendation is~~

1 ~~made by the court~~ may, upon application, issue to the person a  
2 restricted driving permit granting the privilege of driving a  
3 motor vehicle between the petitioner's residence and  
4 petitioner's place of employment or within the scope of the  
5 petitioner's employment related duties, or to allow the  
6 petitioner to transport himself or herself, ~~or~~ a family member, ~~or~~  
7 or a member of the petitioner's household to a medical facility  
8 for the receipt of necessary medical care or to allow the  
9 petitioner to transport himself or herself to and from alcohol  
10 or drug remedial or rehabilitative activity recommended by a  
11 licensed service provider, or to allow the petitioner to  
12 transport himself or herself, ~~or~~ a family member, or a member  
13 of the petitioner's household to classes, as a student, at an  
14 accredited educational institution, or to allow the petitioner  
15 to transport children, elderly persons, or disabled persons who  
16 do not hold driving privileges and are living in the  
17 petitioner's household or who are members of the petitioner's  
18 household to and from daycare; if the petitioner is able to  
19 demonstrate that no alternative means of transportation is  
20 reasonably available and that the petitioner will not endanger  
21 the public safety or welfare; provided that the Secretary's  
22 discretion shall be limited to cases where undue hardship, as  
23 defined by the rules of the Secretary of State, would result  
24 from a failure to issue the restricted driving permit. ~~Those~~  
25 ~~multiple offenders identified in subdivision (b)4 of Section~~  
26 ~~6-208 of this Code, however, shall not be eligible for the~~

1 ~~issuance of a restricted driving permit.~~

2 (2) If a person's license or permit is revoked under:

3 (A) paragraph (1) of subsection (a) of this  
4 Section, where the use of alcohol or other drugs is  
5 recited as an element of the offense; or

6 (B) paragraph (2) of subsection (a) of this  
7 Section;

8 that person may make application for an ignition  
9 interlock permit under Section 6-206.5 of this Code. Those  
10 multiple offenders identified in subsection (b) (4) of  
11 Section 6-208 of this Code, however, shall not be eligible  
12 for the issuance of an ignition interlock permit.

13 ~~or suspended due to 2 or more convictions of violating Section~~  
14 ~~11 501 of this Code or a similar provision of a local~~  
15 ~~ordinance or a similar out of state offense, or Section 9-3~~  
16 ~~of the Criminal Code of 1961 or the Criminal Code of 2012,~~  
17 ~~where the use of alcohol or other drugs is recited as an~~  
18 ~~element of the offense, or a similar out of state offense,~~  
19 ~~or a combination of these offenses, arising out of separate~~  
20 ~~occurrences, that person, if issued a restricted driving~~  
21 ~~permit, may not operate a vehicle unless it has been~~  
22 ~~equipped with an ignition interlock device as defined in~~  
23 ~~Section 1-129.1.~~

24 (3) If:

25 (A) (blank); ~~a person's license or permit is~~  
26 ~~revoked or suspended 2 or more times within a 10 year~~

1 ~~period due to any combination of:~~

2 ~~(i) a single conviction of violating Section~~  
3 ~~11-501 of this Code or a similar provision of a~~  
4 ~~local ordinance or a similar out of state offense,~~  
5 ~~or Section 9-3 of the Criminal Code of 1961 or the~~  
6 ~~Criminal Code of 2012, where the use of alcohol or~~  
7 ~~other drugs is recited as an element of the~~  
8 ~~offense, or a similar out of state offense; or~~

9 ~~(ii) a statutory summary suspension or~~  
10 ~~revocation under Section 11-501.1; or~~

11 ~~(iii) a suspension pursuant to Section~~  
12 ~~6-203.1;~~

13 ~~arising out of separate occurrences; or~~

14 (B) a person has been convicted of one violation of  
15 Section 6-303 or 6-303.5 of this Code committed while  
16 his or her driver's license, permit, or privilege was  
17 revoked because of a violation of Section 9-3 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012,  
19 relating to the offense of reckless homicide where the  
20 use of alcohol or other drugs was recited as an element  
21 of the offense, or a similar provision of a law of  
22 another state;

23 that person may make application for an ignition interlock  
24 permit., ~~if issued a restricted driving permit, may not~~  
25 ~~operate a vehicle unless it has been equipped with an~~  
26 ~~ignition interlock device as defined in Section 1-129.1.~~

1           (4) (Blank). ~~The person issued a permit conditioned on~~  
2 ~~the use of an ignition interlock device must pay to the~~  
3 ~~Secretary of State DUI Administration Fund an amount not to~~  
4 ~~exceed \$30 per month. The Secretary shall establish by rule~~  
5 ~~the amount and the procedures, terms, and conditions~~  
6 ~~relating to these fees.~~

7           (5) (Blank). ~~If the restricted driving permit is issued~~  
8 ~~for employment purposes, then the prohibition against~~  
9 ~~operating a motor vehicle that is not equipped with an~~  
10 ~~ignition interlock device does not apply to the operation~~  
11 ~~of an occupational vehicle owned or leased by that person's~~  
12 ~~employer when used solely for employment purposes.~~

13           (6) In each case the Secretary of State may issue a  
14 restricted driving permit or ignition interlock permit for  
15 a period he deems appropriate, except that the permit shall  
16 expire within one year from the date of issuance. ~~The~~  
17 ~~Secretary may not, however, issue a restricted driving~~  
18 ~~permit to any person whose current revocation is the result~~  
19 ~~of a second or subsequent conviction for a violation of~~  
20 ~~Section 11-501 of this Code or a similar provision of a~~  
21 ~~local ordinance or any similar out-of-state offense, or~~  
22 ~~Section 9-3 of the Criminal Code of 1961 or the Criminal~~  
23 ~~Code of 2012, where the use of alcohol or other drugs is~~  
24 ~~recited as an element of the offense, or any similar~~  
25 ~~out of state offense, or any combination of these~~  
26 ~~offenses, until the expiration of at least one year from~~

1 ~~the date of the revocation.~~ A restricted driving permit or  
2 ignition interlock permit issued under this Section shall  
3 be subject to cancellation, revocation, and suspension by  
4 the Secretary of State in like manner and for like cause as  
5 a driver's license issued under this Code may be cancelled,  
6 revoked, or suspended; except that a conviction upon one or  
7 more offenses against laws or ordinances regulating the  
8 movement of traffic shall be deemed sufficient cause for  
9 the revocation, suspension, or cancellation of a  
10 restricted driving permit or ignition interlock permit.  
11 The Secretary of State may, as a condition to the issuance  
12 of a restricted driving permit or ignition interlock  
13 permit, require the petitioner to participate in a  
14 designated driver remedial or rehabilitative program. The  
15 Secretary of State is authorized to cancel a restricted  
16 driving permit or ignition interlock permit if the permit  
17 holder does not successfully complete the program.  
18 However, if an individual's driving privileges have been  
19 revoked in accordance with paragraph 13 of subsection (a)  
20 of this Section, no restricted driving permit shall be  
21 issued until the individual has served 6 months of the  
22 revocation period.

23 (c-5) (Blank).

24 (c-6) (Blank). ~~If a person is convicted of a second~~  
25 ~~violation of operating a motor vehicle while the person's~~  
26 ~~driver's license, permit or privilege was revoked, where the~~

1 ~~revocation was for a violation of Section 9-3 of the Criminal~~  
2 ~~Code of 1961 or the Criminal Code of 2012 relating to the~~  
3 ~~offense of reckless homicide or a similar out-of-state offense,~~  
4 ~~the person's driving privileges shall be revoked pursuant to~~  
5 ~~subdivision (a) (15) of this Section. The person may not make~~  
6 ~~application for a license or permit until the expiration of~~  
7 ~~five years from the effective date of the revocation or the~~  
8 ~~expiration of five years from the date of release from a term~~  
9 ~~of imprisonment, whichever is later.~~

10 (c-7) (Blank). ~~If a person is convicted of a third or~~  
11 ~~subsequent violation of operating a motor vehicle while the~~  
12 ~~person's driver's license, permit or privilege was revoked,~~  
13 ~~where the revocation was for a violation of Section 9-3 of the~~  
14 ~~Criminal Code of 1961 or the Criminal Code of 2012 relating to~~  
15 ~~the offense of reckless homicide or a similar out-of-state~~  
16 ~~offense, the person may never apply for a license or permit.~~

17 (d) (1) (Blank). ~~Whenever a person under the age of 21 is~~  
18 ~~convicted under Section 11-501 of this Code or a similar~~  
19 ~~provision of a local ordinance or a similar out-of-state~~  
20 ~~offense, the Secretary of State shall revoke the driving~~  
21 ~~privileges of that person. One year after the date of~~  
22 ~~revocation, and upon application, the Secretary of State may,~~  
23 ~~if satisfied that the person applying will not endanger the~~  
24 ~~public safety or welfare, issue a restricted driving permit~~  
25 ~~granting the privilege of driving a motor vehicle only between~~  
26 ~~the hours of 5 a.m. and 9 p.m. or as otherwise provided by this~~

1 ~~Section for a period of one year. After this one year period,~~  
2 ~~and upon reapplication for a license as provided in Section~~  
3 ~~6-106, upon payment of the appropriate reinstatement fee~~  
4 ~~provided under paragraph (b) of Section 6-118, the Secretary of~~  
5 ~~State, in his discretion, may reinstate the petitioner's~~  
6 ~~driver's license and driving privileges, or extend the~~  
7 ~~restricted driving permit as many times as the Secretary of~~  
8 ~~State deems appropriate, by additional periods of not more than~~  
9 ~~12 months each.~~

10 (2) (Blank). ~~If a person's license or permit is revoked~~  
11 ~~or suspended due to 2 or more convictions of violating~~  
12 ~~Section 11-501 of this Code or a similar provision of a~~  
13 ~~local ordinance or a similar out-of-state offense, or~~  
14 ~~Section 9-3 of the Criminal Code of 1961 or the Criminal~~  
15 ~~Code of 2012, where the use of alcohol or other drugs is~~  
16 ~~recited as an element of the offense, or a similar~~  
17 ~~out of state offense, or a combination of these offenses,~~  
18 ~~arising out of separate occurrences, that person, if issued~~  
19 ~~a restricted driving permit, may not operate a vehicle~~  
20 ~~unless it has been equipped with an ignition interlock~~  
21 ~~device as defined in Section 1-129.1.~~

22 (3) (Blank). ~~If a person's license or permit is revoked~~  
23 ~~or suspended 2 or more times within a 10 year period due to~~  
24 ~~any combination of:~~

25 (A) ~~a single conviction of violating Section~~  
26 ~~11-501 of this Code or a similar provision of a local~~

1 ~~ordinance or a similar out of state offense, or~~  
2 ~~Section 9-3 of the Criminal Code of 1961 or the~~  
3 ~~Criminal Code of 2012, where the use of alcohol or~~  
4 ~~other drugs is recited as an element of the offense, or~~  
5 ~~a similar out of state offense; or~~

6 ~~(B) a statutory summary suspension or revocation~~  
7 ~~under Section 11-501.1; or~~

8 ~~(C) a suspension pursuant to Section 6-203.1;~~  
9 ~~arising out of separate occurrences, that person, if issued~~  
10 ~~a restricted driving permit, may not operate a vehicle~~  
11 ~~unless it has been equipped with an ignition interlock~~  
12 ~~device as defined in Section 1-129.1.~~

13 (4) (Blank). ~~The person issued a permit conditioned~~  
14 ~~upon the use of an interlock device must pay to the~~  
15 ~~Secretary of State DUI Administration Fund an amount not to~~  
16 ~~exceed \$30 per month. The Secretary shall establish by rule~~  
17 ~~the amount and the procedures, terms, and conditions~~  
18 ~~relating to these fees.~~

19 (5) (Blank). ~~If the restricted driving permit is issued~~  
20 ~~for employment purposes, then the prohibition against~~  
21 ~~driving a vehicle that is not equipped with an ignition~~  
22 ~~interlock device does not apply to the operation of an~~  
23 ~~occupational vehicle owned or leased by that person's~~  
24 ~~employer when used solely for employment purposes.~~

25 (6) (Blank). ~~A restricted driving permit issued under~~  
26 ~~this Section shall be subject to cancellation, revocation,~~

1 ~~and suspension by the Secretary of State in like manner and~~  
2 ~~for like cause as a driver's license issued under this Code~~  
3 ~~may be cancelled, revoked, or suspended; except that a~~  
4 ~~conviction upon one or more offenses against laws or~~  
5 ~~ordinances regulating the movement of traffic shall be~~  
6 ~~deemed sufficient cause for the revocation, suspension, or~~  
7 ~~cancellation of a restricted driving permit.~~

8 (d-5) (Blank). ~~The revocation of the license, permit, or~~  
9 ~~driving privileges of a person convicted of a third or~~  
10 ~~subsequent violation of Section 6-303 of this Code committed~~  
11 ~~while his or her driver's license, permit, or privilege was~~  
12 ~~revoked because of a violation of Section 9-3 of the Criminal~~  
13 ~~Code of 1961 or the Criminal Code of 2012, relating to the~~  
14 ~~offense of reckless homicide, or a similar provision of a law~~  
15 ~~of another state, is permanent. The Secretary may not, at any~~  
16 ~~time, issue a license or permit to that person.~~

17 (e) This Section is subject to the provisions of the Driver  
18 License Compact.

19 (f) (Blank). ~~Any revocation imposed upon any person under~~  
20 ~~subsections 2 and 3 of paragraph (b) that is in effect on~~  
21 ~~December 31, 1988 shall be converted to a suspension for a like~~  
22 ~~period of time.~~

23 (g) The Secretary of State shall not issue a restricted  
24 driving permit to a person under the age of 16 years whose  
25 driving privileges have been revoked under any provisions of  
26 this Code. The Secretary of State shall not issue an ignition

1 interlock permit to a person under the age of 18 years whose  
2 driving privileges have been suspended or revoked under the  
3 provisions of this Code.

4 (h) (Blank). ~~The Secretary of State shall require the use~~  
5 ~~of ignition interlock devices on all vehicles owned by a person~~  
6 ~~who has been convicted of a second or subsequent offense under~~  
7 ~~Section 11-501 of this Code or a similar provision of a local~~  
8 ~~ordinance. The person must pay to the Secretary of State DUI~~  
9 ~~Administration Fund an amount not to exceed \$30 for each month~~  
10 ~~that he or she uses the device. The Secretary shall establish~~  
11 ~~by rule and regulation the procedures for certification and use~~  
12 ~~of the interlock system, the amount of the fee, and the~~  
13 ~~procedures, terms, and conditions relating to these fees.~~

14 (i) (Blank).

15 (j) In accordance with 49 C.F.R. 384, the Secretary of  
16 State may not issue a restricted driving permit or ignition  
17 interlock permit for the operation of a commercial motor  
18 vehicle to a person holding a CDL whose driving privileges have  
19 been revoked, suspended, cancelled, or disqualified under any  
20 provisions of this Code.

21 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
22 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
23 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.  
24 1-1-13; 97-1150, eff. 1-25-13.)

1           Sec. 6-206. Discretionary authority to suspend or revoke  
2 license or permit; Right to a hearing.

3           (a) The Secretary of State is authorized to suspend or  
4 revoke the driving privileges of any person without preliminary  
5 hearing upon a showing of the person's records or other  
6 sufficient evidence that the person:

7           1. Has committed an offense for which mandatory  
8 revocation of a driver's license or permit is required upon  
9 conviction;

10           2. Has been convicted of not less than 3 offenses  
11 against traffic regulations governing the movement of  
12 vehicles committed within any 12 month period. No  
13 revocation or suspension shall be entered more than 6  
14 months after the date of last conviction;

15           3. Has been repeatedly involved as a driver in motor  
16 vehicle collisions or has been repeatedly convicted of  
17 offenses against laws and ordinances regulating the  
18 movement of traffic, to a degree that indicates lack of  
19 ability to exercise ordinary and reasonable care in the  
20 safe operation of a motor vehicle or disrespect for the  
21 traffic laws and the safety of other persons upon the  
22 highway;

23           4. Has by the unlawful operation of a motor vehicle  
24 caused or contributed to an accident resulting in injury  
25 requiring immediate professional treatment in a medical  
26 facility or doctor's office to any person, except that any

1 suspension or revocation imposed by the Secretary of State  
2 under the provisions of this subsection shall start no  
3 later than 6 months after being convicted of violating a  
4 law or ordinance regulating the movement of traffic, which  
5 violation is related to the accident, or shall start not  
6 more than one year after the date of the accident,  
7 whichever date occurs later;

8 5. Has permitted an unlawful or fraudulent use of a  
9 driver's license, identification card, or permit;

10 6. Has been lawfully convicted of an offense or  
11 offenses in another state, including the authorization  
12 contained in Section 6-203.1, which if committed within  
13 this State would be grounds for suspension or revocation;

14 7. Has refused or failed to submit to an examination  
15 provided for by Section 6-207 or has failed to pass the  
16 examination;

17 8. Is ineligible for a driver's license or permit under  
18 the provisions of Section 6-103;

19 9. Has made a false statement or knowingly concealed a  
20 material fact or has used false information or  
21 identification in any application for a license,  
22 identification card, or permit;

23 10. Has possessed, displayed, or attempted to  
24 fraudulently use any license, identification card, or  
25 permit not issued to the person;

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to  
2 obtain a driver's license or permit was revoked or  
3 suspended unless the operation was authorized by a  
4 monitoring device driving permit, ~~judicial driving permit~~  
5 ~~issued prior to January 1, 2009,~~ probationary license to  
6 drive, ~~or a~~ restricted driving permit, or ignition  
7 interlock permit issued under this Code;

8 12. Has submitted to any portion of the application  
9 process for another person or has obtained the services of  
10 another person to submit to any portion of the application  
11 process for the purpose of obtaining a license,  
12 identification card, or permit for some other person;

13 13. Has operated a motor vehicle upon a highway of this  
14 State when the person's driver's license or permit was  
15 invalid under the provisions of Sections 6-107.1 and 6-110;

16 14. Has committed a violation of Section 6-301,  
17 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
18 of the Illinois Identification Card Act;

19 15. Has been convicted of violating Section 21-2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 relating  
21 to criminal trespass to vehicles in which case, the  
22 suspension shall be for one year;

23 16. Has been convicted of violating Section 11-204 of  
24 this Code relating to fleeing from a peace officer;

25 17. Has refused to submit to a test, or tests, as  
26 required under Section 11-501.1 of this Code and the person

1 has not sought a hearing as provided for in Section  
2 11-501.1;

3 18. Has, since issuance of a driver's license or  
4 permit, been adjudged to be afflicted with or suffering  
5 from any mental disability or disease;

6 19. Has committed a violation of paragraph (a) or (b)  
7 of Section 6-101 relating to driving without a driver's  
8 license;

9 20. Has been convicted of violating Section 6-104  
10 relating to classification of driver's license;

11 21. Has been convicted of violating Section 11-402 of  
12 this Code relating to leaving the scene of an accident  
13 resulting in damage to a vehicle in excess of \$1,000, in  
14 which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph  
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
17 the Criminal Code of 1961 or the Criminal Code of 2012  
18 relating to unlawful use of weapons, in which case the  
19 suspension shall be for one year;

20 23. Has, as a driver, been convicted of committing a  
21 violation of paragraph (a) of Section 11-502 of this Code  
22 for a second or subsequent time within one year of a  
23 similar violation;

24 24. Has been convicted by a court-martial or punished  
25 by non-judicial punishment by military authorities of the  
26 United States at a military installation in Illinois of or

1 for a traffic related offense that is the same as or  
2 similar to an offense specified under Section 6-205 or  
3 6-206 of this Code;

4 25. Has permitted any form of identification to be used  
5 by another in the application process in order to obtain or  
6 attempt to obtain a license, identification card, or  
7 permit;

8 26. Has altered or attempted to alter a license or has  
9 possessed an altered license, identification card, or  
10 permit;

11 27. Has violated Section 6-16 of the Liquor Control Act  
12 of 1934;

13 28. Has been convicted for a first time of the illegal  
14 possession, while operating or in actual physical control,  
15 as a driver, of a motor vehicle, of any controlled  
16 substance prohibited under the Illinois Controlled  
17 Substances Act, any cannabis prohibited under the Cannabis  
18 Control Act, ~~or~~ any methamphetamine prohibited under the  
19 Methamphetamine Control and Community Protection Act, or  
20 any substance prohibited by the Use of Intoxicating  
21 Compounds Act, in which case the person's driving  
22 privileges shall be suspended for one year. For purposes of  
23 this Section, any person placed on probation under Section  
24 10 of the Cannabis Control Act, Section 410 of the Illinois  
25 Controlled Substances Act, or Section 70 of the  
26 Methamphetamine Control and Community Protection Act shall

1       not be considered to have a conviction under those Acts.

2       Any defendant found guilty of this offense while operating  
3       a motor vehicle, shall have an entry made in the court  
4       record by the presiding judge that this offense did occur  
5       while the defendant was operating a motor vehicle and order  
6       the clerk of the court to report the violation to the  
7       Secretary of State;

8             29. Has been convicted of the following offenses that  
9       were committed while the person was operating or in actual  
10      physical control, as a driver, of a motor vehicle: criminal  
11      sexual assault, predatory criminal sexual assault of a  
12      child, aggravated criminal sexual assault, criminal sexual  
13      abuse, aggravated criminal sexual abuse, juvenile pimping,  
14      soliciting for a juvenile prostitute, promoting juvenile  
15      prostitution as described in subdivision (a)(1), (a)(2),  
16      or (a)(3) of Section 11-14.4 of the Criminal Code of 1961  
17      or the Criminal Code of 2012, and the manufacture, sale or  
18      delivery of controlled substances or instruments used for  
19      illegal drug use or abuse in which case the driver's  
20      driving privileges shall be suspended for one year;

21            30. Has been convicted a second or subsequent time for  
22      any combination of the offenses named in paragraph 29 of  
23      this subsection, in which case the person's driving  
24      privileges shall be suspended for 5 years;

25            31. Has refused to submit to a test as required by  
26      Section 11-501.6 or has submitted to a test resulting in an

1 alcohol concentration of 0.08 or more or any amount of a  
2 drug, substance, or compound resulting from the unlawful  
3 use or consumption of cannabis as listed in the Cannabis  
4 Control Act, a controlled substance as listed in the  
5 Illinois Controlled Substances Act, an intoxicating  
6 compound as listed in the Use of Intoxicating Compounds  
7 Act, or methamphetamine as listed in the Methamphetamine  
8 Control and Community Protection Act, in which case the  
9 penalty shall be as prescribed in Section 6-208.1;

10 32. Has been convicted of Section 24-1.2 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 relating  
12 to the aggravated discharge of a firearm if the offender  
13 was located in a motor vehicle at the time the firearm was  
14 discharged, in which case the suspension shall be for 3  
15 years;

16 33. Has as a driver, who was less than 21 years of age  
17 on the date of the offense, been convicted a first time of  
18 a violation of paragraph (a) of Section 11-502 of this Code  
19 or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5 of  
21 this Code or a similar provision of a local ordinance;

22 35. Has committed a violation of Section 11-1301.6 of  
23 this Code or a similar provision of a local ordinance;

24 36. Is under the age of 21 years at the time of arrest  
25 and has been convicted of not less than 2 offenses against  
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of  
5 Section 11-907 of this Code that resulted in damage to the  
6 property of another or the death or injury of another;

7 38. Has been convicted of a violation of Section 6-20  
8 of the Liquor Control Act of 1934 or a similar provision of  
9 a local ordinance;

10 39. Has committed a second or subsequent violation of  
11 Section 11-1201 of this Code;

12 40. Has committed a violation of subsection (a-1) of  
13 Section 11-908 of this Code;

14 41. Has committed a second or subsequent violation of  
15 Section 11-605.1 of this Code, a similar provision of a  
16 local ordinance, or a similar violation in any other state  
17 within 2 years of the date of the previous violation, in  
18 which case the suspension shall be for 90 days;

19 42. Has committed a violation of subsection (a-1) of  
20 Section 11-1301.3 of this Code or a similar provision of a  
21 local ordinance;

22 43. Has received a disposition of court supervision for  
23 a violation of subsection (a), (d), or (e) of Section 6-20  
24 of the Liquor Control Act of 1934 or a similar provision of  
25 a local ordinance, in which case the suspension shall be  
26 for a period of 3 months;

1           44. Is under the age of 21 years at the time of arrest  
2           and has been convicted of an offense against traffic  
3           regulations governing the movement of vehicles after  
4           having previously had his or her driving privileges  
5           suspended or revoked pursuant to subparagraph 36 of this  
6           Section;

7           45. Has, in connection with or during the course of a  
8           formal hearing conducted under Section 2-118 of this Code:  
9           (i) committed perjury; (ii) submitted fraudulent or  
10          falsified documents; (iii) submitted documents that have  
11          been materially altered; or (iv) submitted, as his or her  
12          own, documents that were in fact prepared or composed for  
13          another person; or

14          46. Has committed a violation of subsection (j) of  
15          Section 3-413 of this Code.

16          For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
17          and 27 of this subsection, license means any driver's license,  
18          any traffic ticket issued when the person's driver's license is  
19          deposited in lieu of bail, a suspension notice issued by the  
20          Secretary of State, a duplicate or corrected driver's license,  
21          a probationary driver's license or a temporary driver's  
22          license.

23          (b) If any conviction forming the basis of a suspension or  
24          revocation authorized under this Section is appealed, the  
25          Secretary of State may rescind or withhold the entry of the  
26          order of suspension or revocation, as the case may be, provided

1 that a certified copy of a stay order of a court is filed with  
2 the Secretary of State. If the conviction is affirmed on  
3 appeal, the date of the conviction shall relate back to the  
4 time the original judgment of conviction was entered and the 6  
5 month limitation prescribed shall not apply.

6 (c) 1. Upon suspending or revoking the driver's license or  
7 permit of any person as authorized in this Section, the  
8 Secretary of State shall immediately notify the person in  
9 writing of the revocation or suspension. The notice to be  
10 deposited in the United States mail, postage prepaid, to the  
11 last known address of the person.

12 2. If the Secretary of State suspends the driver's  
13 license of a person under subsection 2 of paragraph (a) of  
14 this Section, a person's privilege to operate a vehicle as  
15 an occupation shall not be suspended, provided an affidavit  
16 is properly completed, the appropriate fee received, and a  
17 permit issued prior to the effective date of the  
18 suspension, unless 5 offenses were committed, at least 2 of  
19 which occurred while operating a commercial vehicle in  
20 connection with the driver's regular occupation. All other  
21 driving privileges shall be suspended by the Secretary of  
22 State. Any driver prior to operating a vehicle for  
23 occupational purposes only must submit the affidavit on  
24 forms to be provided by the Secretary of State setting  
25 forth the facts of the person's occupation. The affidavit  
26 shall also state the number of offenses committed while

1 operating a vehicle in connection with the driver's regular  
2 occupation. The affidavit shall be accompanied by the  
3 driver's license. Upon receipt of a properly completed  
4 affidavit, the Secretary of State shall issue the driver a  
5 permit to operate a vehicle in connection with the driver's  
6 regular occupation only. Unless the permit is issued by the  
7 Secretary of State prior to the date of suspension, the  
8 privilege to drive any motor vehicle shall be suspended as  
9 set forth in the notice that was mailed under this Section.  
10 If an affidavit is received subsequent to the effective  
11 date of this suspension, a permit may be issued for the  
12 remainder of the suspension period.

13 The provisions of this subparagraph shall not apply to  
14 any driver required to possess a CDL for the purpose of  
15 operating a commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit  
17 required herein shall be guilty of perjury under Section  
18 6-302 and upon conviction thereof shall have all driving  
19 privileges revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118  
21 of this Code, the Secretary of State shall either rescind  
22 or continue an order of revocation or shall substitute an  
23 order of suspension; or, good cause appearing therefor,  
24 rescind, continue, change, or extend the order of  
25 suspension. If the Secretary of State does not rescind the  
26 order, the Secretary may upon application, unless the

1 person is suspended or revoked under paragraph (1) of  
2 subsection (a) of this Section where the use of alcohol or  
3 drugs is recited as an element of the offense; paragraph  
4 (6) of subsection (a) of this Section where the violation  
5 is for the offense of driving under the influence of  
6 alcohol or drugs or failure to submit to chemical testing;  
7 or paragraph (17) of subsection (a) of this Section, to  
8 relieve undue hardship (as defined by the rules of the  
9 Secretary of State), issue a restricted driving permit  
10 granting the privilege of driving a motor vehicle between  
11 the petitioner's residence and petitioner's place of  
12 employment or within the scope of the petitioner's  
13 employment related duties, or to allow the petitioner to  
14 transport himself or herself, ~~or~~ a family member, or a  
15 member of the petitioner's household to a medical facility,  
16 to receive necessary medical care, to allow the petitioner  
17 to transport himself or herself to and from alcohol or drug  
18 remedial or rehabilitative activity recommended by a  
19 licensed service provider, or to allow the petitioner to  
20 transport himself or herself, ~~or~~ a family member, or a  
21 member of the petitioner's household to classes, as a  
22 student, at an accredited educational institution, or to  
23 allow the petitioner to transport children, elderly  
24 persons, or disabled persons who do not hold driving  
25 privileges and are living in the petitioner's household or  
26 who are members of the petitioner's family to and from

1 daycare. The petitioner must demonstrate that no  
2 alternative means of transportation is reasonably  
3 available and that the petitioner will not endanger the  
4 public safety or welfare. Those multiple offenders  
5 identified in subdivision (b)4 of Section 6-208 of this  
6 Code, however, shall not be eligible for the issuance of a  
7 ignition interlock permit ~~restricted driving permit~~.

8 (A) If a person's license or permit is revoked or  
9 suspended under:

10 (i) paragraph (1) of subsection (a) of this  
11 Section where the use of alcohol or other drugs is  
12 recited as an element of the offense; or

13 (ii) paragraph (6) of subsection (a) of this  
14 Section where the violation is for an out-of-state  
15 offense of driving while intoxicated or driving  
16 while impaired or any cause of action the same or  
17 substantially similar to Section 11-501 of this  
18 Code; or the violation is for reckless homicide  
19 where alcohol or other drugs were recited as an  
20 element of the offense, or any out-of-state  
21 offense where the cause of action is the same or  
22 substantially similar to Section 9-3 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012;  
24 or for refusal to submit to chemical testing in  
25 another state; or

26 (iii) paragraph (17) of subsection (a) of this

1           Section,

2           that person may make application for an ignition  
3           interlock permit under Section 6-206.5 of this Code.

4 ~~due to 2 or more convictions of violating Section 11-501 of~~  
5 ~~this Code or a similar provision of a local ordinance~~  
6 ~~or a similar out of state offense, or Section 9-3 of~~  
7 ~~the Criminal Code of 1961 or the Criminal Code of 2012,~~  
8 ~~where the use of alcohol or other drugs is recited as~~  
9 ~~an element of the offense, or a similar out of state~~  
10 ~~offense, or a combination of these offenses, arising~~  
11 ~~out of separate occurrences, that person, if issued a~~  
12 ~~restricted driving permit, may not operate a vehicle~~  
13 ~~unless it has been equipped with an ignition interlock~~  
14 ~~device as defined in Section 1-129.1.~~

15           (B) (Blank). ~~If a person's license or permit is~~  
16 ~~revoked or suspended 2 or more times within a 10 year~~  
17 ~~period due to any combination of:~~

18           ~~(i) a single conviction of violating Section~~  
19 ~~11-501 of this Code or a similar provision of a~~  
20 ~~local ordinance or a similar out of state offense~~  
21 ~~or Section 9-3 of the Criminal Code of 1961 or the~~  
22 ~~Criminal Code of 2012, where the use of alcohol or~~  
23 ~~other drugs is recited as an element of the~~  
24 ~~offense, or a similar out of state offense; or~~

25           ~~(ii) a statutory summary suspension or~~  
26 ~~revocation under Section 11-501.1; or~~

1                   ~~(iii) a suspension under Section 6-203.1,~~  
2                   ~~arising out of separate occurrences; that person, if~~  
3                   ~~issued a restricted driving permit, may not operate a~~  
4                   ~~vehicle unless it has been equipped with an ignition~~  
5                   ~~interlock device as defined in Section 1-129.1.~~

6                   (C)   ~~(Blank).~~   ~~The person issued a permit~~  
7                   ~~conditioned upon the use of an ignition interlock~~  
8                   ~~device must pay to the Secretary of State DUI~~  
9                   ~~Administration Fund an amount not to exceed \$30 per~~  
10                   ~~month. The Secretary shall establish by rule the amount~~  
11                   ~~and the procedures, terms, and conditions relating to~~  
12                   ~~these fees.~~

13                   (D)   ~~(Blank).~~   ~~If the restricted driving permit is~~  
14                   ~~issued for employment purposes, then the prohibition~~  
15                   ~~against operating a motor vehicle that is not equipped~~  
16                   ~~with an ignition interlock device does not apply to the~~  
17                   ~~operation of an occupational vehicle owned or leased by~~  
18                   ~~that person's employer when used solely for employment~~  
19                   ~~purposes.~~

20                   (E)   In each case the Secretary may issue a  
21                   restricted driving permit or ignition interlock permit  
22                   for a period deemed appropriate, except that all  
23                   permits shall expire within one year from the date of  
24                   issuance.   ~~The Secretary may not, however, issue a~~  
25                   ~~restricted driving permit to any person whose current~~  
26                   ~~revocation is the result of a second or subsequent~~

1 ~~conviction for a violation of Section 11-501 of this~~  
2 ~~Code or a similar provision of a local ordinance or any~~  
3 ~~similar out-of-state offense, or Section 9-3 of the~~  
4 ~~Criminal Code of 1961 or the Criminal Code of 2012,~~  
5 ~~where the use of alcohol or other drugs is recited as~~  
6 ~~an element of the offense, or any similar out of state~~  
7 ~~offense, or any combination of those offenses, until~~  
8 ~~the expiration of at least one year from the date of~~  
9 ~~the revocation.~~ A restricted driving permit or  
10 ignition interlock permit issued under this Section  
11 shall be subject to cancellation, revocation, and  
12 suspension by the Secretary of State in like manner and  
13 for like cause as a driver's license issued under this  
14 Code may be cancelled, revoked, or suspended; except  
15 that a conviction upon one or more offenses against  
16 laws or ordinances regulating the movement of traffic  
17 shall be deemed sufficient cause for the revocation,  
18 suspension, or cancellation of a restricted driving  
19 permit or ignition interlock permit. The Secretary of  
20 State may, as a condition to the issuance of a  
21 restricted driving permit or ignition interlock  
22 permit, require the applicant to participate in a  
23 designated driver remedial or rehabilitative program.  
24 The Secretary of State is authorized to cancel a  
25 restricted driving permit or ignition interlock permit  
26 if the permit holder does not successfully complete the

1           program.

2           (c-3) In the case of a suspension under paragraph 43 of  
3 subsection (a), reports received by the Secretary of State  
4 under this Section shall, except during the actual time the  
5 suspension is in effect, be privileged information and for use  
6 only by the courts, police officers, prosecuting authorities,  
7 the driver licensing administrator of any other state, the  
8 Secretary of State, or the parent or legal guardian of a driver  
9 under the age of 18. However, beginning January 1, 2008, if the  
10 person is a CDL holder, the suspension shall also be made  
11 available to the driver licensing administrator of any other  
12 state, the U.S. Department of Transportation, and the affected  
13 driver or motor carrier or prospective motor carrier upon  
14 request.

15           (c-4) In the case of a suspension under paragraph 43 of  
16 subsection (a), the Secretary of State shall notify the person  
17 by mail that his or her driving privileges and driver's license  
18 will be suspended one month after the date of the mailing of  
19 the notice.

20           (c-5) The Secretary of State may, as a condition of the  
21 reissuance of a driver's license or permit to an applicant  
22 whose driver's license or permit has been suspended before he  
23 or she reached the age of 21 years pursuant to any of the  
24 provisions of this Section, require the applicant to  
25 participate in a driver remedial education course and be  
26 retested under Section 6-109 of this Code.

1 (d) This Section is subject to the provisions of the  
2 Drivers License Compact.

3 (e) The Secretary of State shall not issue a restricted  
4 driving permit to a person under the age of 16 years whose  
5 driving privileges have been suspended or revoked under any  
6 provisions of this Code. The Secretary of State shall not issue  
7 an ignition interlock permit to a person under 18 years of age  
8 whose driving privileges have been suspended or revoked under  
9 this Code.

10 (f) In accordance with 49 C.F.R. 384, the Secretary of  
11 State may not issue a restricted driving permit or ignition  
12 interlock permit for the operation of a commercial motor  
13 vehicle to a person ~~holding a CDL~~ whose driving privileges have  
14 been suspended, revoked, cancelled, or disqualified under any  
15 provisions of this Code.

16 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
17 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
18 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,  
19 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,  
20 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

22 Sec. 6-206.1. Monitoring Device Driving Permit.  
23 Declaration of Policy. It is hereby declared a policy of the  
24 State of Illinois that the driver who is impaired by alcohol,  
25 other drug or drugs, or intoxicating compound or compounds is a

1 threat to the public safety and welfare. Therefore, to provide  
2 a deterrent to such practice, a statutory summary driver's  
3 license suspension is appropriate. It is also recognized that  
4 driving is a privilege and therefore, that the granting of  
5 driving privileges, in a manner consistent with public safety,  
6 is warranted during the period of suspension in the form of a  
7 monitoring device driving permit. A person who drives and fails  
8 to comply with the requirements of the monitoring device  
9 driving permit commits a violation of Section 6-303 of this  
10 Code.

11 The following procedures shall apply whenever a first  
12 offender, as defined in Section 11-500 of this Code, is  
13 arrested for any offense as defined in Section 11-501 or a  
14 similar provision of a local ordinance and is subject to the  
15 provisions of Section 11-501.1:

16 (a) Upon mailing of the notice of suspension of driving  
17 privileges as provided in subsection (h) of Section 11-501.1 of  
18 this Code, the Secretary shall also send written notice  
19 informing the person that he or she will be issued a monitoring  
20 device driving permit (MDDP). The notice shall include, at  
21 minimum, information summarizing the procedure to be followed  
22 for issuance of the MDDP, installation of the breath alcohol  
23 ignition installation device (BAIID), as provided in this  
24 Section, exemption from BAIID installation requirements, and  
25 procedures to be followed by those seeking indigent status, as  
26 provided in this Section. The notice shall also include

1 information summarizing the procedure to be followed if the  
2 person wishes to decline issuance of the MDDP. A copy of the  
3 notice shall also be sent to the court of venue together with  
4 the notice of suspension of driving privileges, as provided in  
5 subsection (h) of Section 11-501. However, a MDDP shall not be  
6 issued if the Secretary finds that:

7 (1) The offender's driver's license is otherwise  
8 invalid;

9 (2) Death or great bodily harm resulted from the arrest  
10 for Section 11-501;

11 (3) The offender has been previously convicted of  
12 reckless homicide or aggravated driving under the  
13 influence involving death; or

14 (4) The offender is less than 18 years of age.

15 Any offender participating in the MDDP program must pay the  
16 Secretary a MDDP Administration Fee in an amount not to exceed  
17 \$30 per month, to be deposited into the Secretary of State DUI  
18 Administration Fund ~~Monitoring Device Driving Permit~~  
19 ~~Administration Fee Fund~~. The Secretary shall establish by rule  
20 the amount and the procedures, terms, and conditions relating  
21 to these fees. The offender must have an ignition interlock  
22 device installed within 14 days of the date the Secretary  
23 issues the MDDP. The ignition interlock device provider must  
24 notify the Secretary, in a manner and form prescribed by the  
25 Secretary, of the installation. If the Secretary does not  
26 receive notice of installation, the Secretary shall cancel the

1 MDDP.

2 A MDDP shall not become effective prior to the 31st day of  
3 the original statutory summary suspension.

4 Upon receipt of the notice, as provided in paragraph (a) of  
5 this Section, the person may file a petition to decline  
6 issuance of the MDDP with the court of venue. The court shall  
7 admonish the offender of all consequences of declining issuance  
8 of the MDDP including, but not limited to, the enhanced  
9 penalties for driving while suspended. After being so  
10 admonished, the offender shall be permitted, in writing, to  
11 execute a notice declining issuance of the MDDP. This notice  
12 shall be filed with the court and forwarded by the clerk of the  
13 court to the Secretary. The offender may, at any time  
14 thereafter, apply to the Secretary for issuance of a MDDP.

15 (a-1) A person issued a MDDP may drive for any purpose and  
16 at any time, subject to the rules adopted by the Secretary  
17 under subsection (g). The person must, at his or her own  
18 expense, drive only vehicles equipped with an ignition  
19 interlock device as defined in Section 1-129.1, but in no event  
20 shall such person drive a commercial motor vehicle.

21 (a-2) Persons who are issued a MDDP and must drive  
22 employer-owned vehicles in the course of their employment  
23 duties may seek permission to drive an employer-owned vehicle  
24 that does not have an ignition interlock device. The employer  
25 shall provide to the Secretary a form, as prescribed by the  
26 Secretary, completed by the employer verifying that the

1 employee must drive an employer-owned vehicle in the course of  
2 employment. If approved by the Secretary, the form must be in  
3 the driver's possession while operating an employer-owner  
4 vehicle not equipped with an ignition interlock device. No  
5 person may use this exemption to drive a school bus, school  
6 vehicle, or a vehicle designed to transport more than 15  
7 passengers. No person may use this exemption to drive an  
8 employer-owned motor vehicle that is owned by an entity that is  
9 wholly or partially owned by the person holding the MDDP, or by  
10 a family member of the person holding the MDDP. No person may  
11 use this exemption to drive an employer-owned vehicle that is  
12 made available to the employee for personal use. No person may  
13 drive the exempted vehicle more than 12 hours per day, 6 days  
14 per week.

15 (a-3) Persons who are issued a MDDP and who must drive a  
16 farm tractor to and from a farm, within 50 air miles from the  
17 originating farm are exempt from installation of a BAIID on the  
18 farm tractor, so long as the farm tractor is being used for the  
19 exclusive purpose of conducting farm operations.

20 (b) (Blank).

21 (c) (Blank).

22 (c-1) If the holder of the MDDP is convicted of or receives  
23 court supervision for a violation of Section 6-206.2, 6-303,  
24 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
25 provision of a local ordinance or a similar out-of-state  
26 offense or is convicted of or receives court supervision for

1 any offense for which alcohol or drugs is an element of the  
2 offense and in which a motor vehicle was involved (for an  
3 arrest other than the one for which the MDDP is issued), or  
4 de-installs the BAIID without prior authorization from the  
5 Secretary, the MDDP shall be cancelled.

6 (c-5) If the Secretary determines that the person seeking  
7 the MDDP is indigent, the Secretary shall provide the person  
8 with a written document as evidence of that determination, and  
9 the person shall provide that written document to an ignition  
10 interlock device provider. The provider shall install an  
11 ignition interlock device on that person's vehicle without  
12 charge to the person, and seek reimbursement from the Indigent  
13 BAIID Fund. If the Secretary has deemed an offender indigent,  
14 the BAIID provider shall also provide the normal monthly  
15 monitoring services and the de-installation without charge to  
16 the offender and seek reimbursement from the Indigent BAIID  
17 Fund. Any other monetary charges, such as a lockout fee or  
18 reset fee, shall be the responsibility of the MDDP holder. A  
19 BAIID provider may not seek a security deposit from the  
20 Indigent BAIID Fund.

21 (d) MDDP information shall be available only to the courts,  
22 police officers, and the Secretary, except during the actual  
23 period the MDDP is valid, during which time it shall be a  
24 public record.

25 (e) (Blank).

26 (f) (Blank).

1           (g) The Secretary shall adopt rules for implementing this  
2 Section. The rules adopted shall address issues including, but  
3 not limited to: compliance with the requirements of the MDDP;  
4 methods for determining compliance with those requirements;  
5 the consequences of noncompliance with those requirements;  
6 what constitutes a violation of the MDDP; methods for  
7 determining indigency; and the duties of a person or entity  
8 that supplies the ignition interlock device.

9           (h) The rules adopted under subsection (g) shall provide,  
10 at a minimum, that the person is not in compliance with the  
11 requirements of the MDDP if he or she:

12                 (1) tampers or attempts to tamper with or circumvent  
13 the proper operation of the ignition interlock device;

14                 (2) provides valid breath samples that register blood  
15 alcohol levels in excess of the number of times allowed  
16 under the rules;

17                 (3) fails to provide evidence sufficient to satisfy the  
18 Secretary that the ignition interlock device has been  
19 installed in the designated vehicle or vehicles; or

20                 (4) fails to follow any other applicable rules adopted  
21 by the Secretary.

22           (i) Any person or entity that supplies an ignition  
23 interlock device as provided under this Section shall, in  
24 addition to supplying only those devices which fully comply  
25 with all the rules adopted under subsection (g), provide the  
26 Secretary, within 7 days of inspection, all monitoring reports

1 of each person who has had an ignition interlock device  
2 installed. These reports shall be furnished in a manner or form  
3 as prescribed by the Secretary.

4 (j) Upon making a determination that a violation of the  
5 requirements of the MDDP has occurred, the Secretary shall  
6 extend the summary suspension period for an additional 3 months  
7 beyond the originally imposed summary suspension period,  
8 during which time the person shall only be allowed to drive  
9 vehicles equipped with an ignition interlock device; provided  
10 further there are no limitations on the total number of times  
11 the summary suspension may be extended. The Secretary may,  
12 however, limit the number of extensions imposed for violations  
13 occurring during any one monitoring period, as set forth by  
14 rule. Any person whose summary suspension is extended pursuant  
15 to this Section shall have the right to contest the extension  
16 through a hearing with the Secretary, pursuant to Section 2-118  
17 of this Code. If the summary suspension has already terminated  
18 prior to the Secretary receiving the monitoring report that  
19 shows a violation, the Secretary shall be authorized to suspend  
20 the person's driving privileges for 3 months, provided that the  
21 Secretary may, by rule, limit the number of suspensions to be  
22 entered pursuant to this paragraph for violations occurring  
23 during any one monitoring period. Any person whose license is  
24 suspended pursuant to this paragraph, after the summary  
25 suspension had already terminated, shall have the right to  
26 contest the suspension through a hearing with the Secretary,

1 pursuant to Section 2-118 of this Code. The only permit the  
2 person shall be eligible for during this new suspension period  
3 is a MDDP.

4 (k) A person who has had his or her summary suspension  
5 extended for the third time, or has any combination of 3  
6 extensions and new suspensions, entered as a result of a  
7 violation that occurred while holding the MDDP, so long as the  
8 extensions and new suspensions relate to the same summary  
9 suspension, shall have his or her vehicle impounded for a  
10 period of 30 days, at the person's own expense. A person who  
11 has his or her summary suspension extended for the fourth time,  
12 or has any combination of 4 extensions and new suspensions,  
13 entered as a result of a violation that occurred while holding  
14 the MDDP, so long as the extensions and new suspensions relate  
15 to the same summary suspension, shall have his or her vehicle  
16 subject to seizure and forfeiture. The Secretary shall notify  
17 the prosecuting authority of any third or fourth extensions or  
18 new suspension entered as a result of a violation that occurred  
19 while the person held a MDDP. Upon receipt of the notification,  
20 the prosecuting authority shall impound or forfeit the vehicle.  
21 The impoundment or forfeiture of a vehicle shall be conducted  
22 pursuant to the procedure specified in Article 36 of the  
23 Criminal Code of 2012.

24 (l) A person whose driving privileges have been suspended  
25 under Section 11-501.1 of this Code and who had a MDDP that was  
26 cancelled, or would have been cancelled had notification of a

1 violation been received prior to expiration of the MDDP,  
2 pursuant to subsection (c-1) of this Section, shall not be  
3 eligible for reinstatement when the summary suspension is  
4 scheduled to terminate. Instead, the person's driving  
5 privileges shall be suspended for a period of not less than  
6 twice the original summary suspension period, or for the length  
7 of any extensions entered under subsection (j), whichever is  
8 longer. During the period of suspension, the person shall be  
9 eligible only to apply for a restricted driving permit. If a  
10 restricted driving permit is granted, the offender may only  
11 operate vehicles equipped with a BAIID in accordance with this  
12 Section.

13 (m) Any person or entity that supplies an ignition  
14 interlock device under this Section shall, for each ignition  
15 interlock device installed, pay 5% of the total gross revenue  
16 received for the device, including monthly monitoring fees,  
17 into the Indigent BAIID Fund. This 5% shall be clearly  
18 indicated as a separate surcharge on each invoice that is  
19 issued. The Secretary shall conduct an annual review of the  
20 fund to determine whether the surcharge is sufficient to  
21 provide for indigent users. The Secretary may increase or  
22 decrease this surcharge requirement as needed.

23 (n) Any person or entity that supplies an ignition  
24 interlock device under this Section that is requested to  
25 provide an ignition interlock device to a person who presents  
26 written documentation of indigency from the Secretary, as

1 provided in subsection (c-5) of this Section, shall install the  
2 device on the person's vehicle without charge to the person and  
3 shall seek reimbursement from the Indigent BAIID Fund.

4 (o) The Indigent BAIID Fund is created as a special fund in  
5 the State treasury. The Secretary shall, subject to  
6 appropriation by the General Assembly, use all money in the  
7 Indigent BAIID Fund to reimburse ignition interlock device  
8 providers who have installed devices in vehicles of indigent  
9 persons. The Secretary shall make payments to such providers  
10 every 3 months. If the amount of money in the fund at the time  
11 payments are made is not sufficient to pay all requests for  
12 reimbursement submitted during that 3 month period, the  
13 Secretary shall make payments on a pro-rata basis, and those  
14 payments shall be considered payment in full for the requests  
15 submitted.

16 (p) The Monitoring Device Driving Permit Administration  
17 Fee Fund is created as a special fund in the State treasury.  
18 The Secretary shall, subject to appropriation by the General  
19 Assembly, use the money paid into this fund to offset its  
20 administrative costs for administering MDDPs. On July 1, 2014,  
21 upon certification of the Department of Revenue, the  
22 Comptroller shall order transferred and the Treasurer shall  
23 transfer from the Monitoring Device Driving Permit  
24 Administration Fee Fund to the Secretary of State DUI  
25 Administration Fund all moneys in the Monitoring Device Driving  
26 Permit Administration Fee Fund. Notwithstanding any other

1 provision of law to the contrary, beginning July 1, 2014 all  
2 moneys required to be deposited in the Monitoring Device  
3 Driving Permit Administration Fee Fund shall instead be  
4 deposited in the Secretary of State DUI Administration Fund.

5 (q) The Secretary is authorized to prescribe such forms as  
6 it deems necessary to carry out the provisions of this Section.

7 (r) This Section is repealed on January 1, 2015.

8 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;  
9 97-229; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

10 (625 ILCS 5/6-206.2)

11 Sec. 6-206.2. Violations relating to an ignition interlock  
12 device.

13 (a) (Blank). ~~It is unlawful for any person whose driving~~  
14 ~~privilege is restricted by being prohibited from operating a~~  
15 ~~motor vehicle not equipped with an ignition interlock device to~~  
16 ~~operate a motor vehicle not equipped with an ignition interlock~~  
17 ~~device.~~

18 (a-5) It is unlawful for any person whose driving privilege  
19 is restricted by being prohibited from operating a motor  
20 vehicle not equipped with an ignition interlock device to  
21 request or solicit any other person to blow into an ignition  
22 interlock device or to start a motor vehicle equipped with the  
23 device for the purpose of providing the person so restricted  
24 with an operable motor vehicle.

25 (b) It is unlawful to blow into an ignition interlock

1 device or to start a motor vehicle equipped with the device for  
2 the purpose of providing an operable motor vehicle to a person  
3 whose driving privilege is restricted by being prohibited from  
4 operating a motor vehicle not equipped with an ignition  
5 interlock device.

6 (c) It is unlawful to tamper with, or circumvent the  
7 operation of, an ignition interlock device.

8 (c-5) It is unlawful to sell, provide or possess any device  
9 that is designed to circumvent an ignition interlock device.

10 (d) Except as provided in subsection (c) (17) of Section  
11 5-6-3.1 of the Unified Code of Corrections or by rule, no  
12 person shall knowingly rent, lease, or lend a motor vehicle to  
13 a person known to have his or her driving privilege restricted  
14 by being prohibited from operating a vehicle not equipped with  
15 an ignition interlock device, unless the vehicle is equipped  
16 with a functioning ignition interlock device. Any person whose  
17 driving privilege is so restricted shall notify any person  
18 intending to rent, lease, or loan a motor vehicle to the  
19 restricted person of the driving restriction imposed upon him  
20 or her.

21 (d-5) A person convicted of a violation of subsection  
22 (a-5), (b), (c), or (d) of this Section is guilty of a Class A  
23 misdemeanor. A person convicted of a violation of subsection  
24 (c) of this Section shall be sentenced to a minimum term of 30  
25 days in jail. A person convicted of a violation of subsection  
26 (c-5) of this Section is guilty of a Class 4 felony with a

1 minimum of 30 days in jail.

2 (e) (Blank).

3 (Source: P.A. 95-27, eff. 1-1-08; 95-578, eff. 6-1-08; 95-876,  
4 eff. 8-21-08.)

5 (625 ILCS 5/6-206.5 new)

6 Sec. 6-206.5. Ignition interlock permit. It is hereby  
7 declared a policy of the State of Illinois that the driver who  
8 is impaired by alcohol, other drug or drugs, or intoxicating  
9 compound or compounds is a threat to the public safety and  
10 welfare. Therefore, to provide a deterrent, a statutory summary  
11 suspension, statutory summary revocation, or revocation of the  
12 driver's license or privilege to obtain a driver's license is  
13 appropriate. It is also recognized that driving is a privilege  
14 and therefore, that the granting of driving privileges, in a  
15 manner consistent with public safety and for the purpose of  
16 encouraging offenders to engage in rehabilitative activity, is  
17 warranted during the period of suspension or revocation in the  
18 form of an ignition interlock permit (IIP).

19 (a) Subject to subsection (b) of this Section, a person is  
20 eligible for an ignition interlock permit if the person's  
21 driver's license, permit or privilege is:

22 (1)subject to statutory summary suspension under  
23 Section 11-501.1 of this Code;

24 (2)subject to statutory summary revocation under  
25 Section 11-501.1 of this Code, after a period of one year

1 has elapsed since the effective date of the revocation;

2 (3) subject to suspension under subsection (a)(6) of  
3 Section 6-206 of this Code for refusal of chemical testing  
4 in another state;

5 (4) subject to revocation under subsection (a)(6) of  
6 Section 6-206 of this Code for conviction of a driving  
7 while under the influence, driving while intoxicated,  
8 driving while impaired or any offense where the cause of  
9 action is the same or substantially similar to Section  
10 11-501 of this Code or reckless homicide where alcohol or  
11 other drugs are recited as an element of the offense or any  
12 offense where the cause of action is the same or  
13 substantially similar to Section 9-3 of the Criminal Code  
14 of 1961 or Criminal Code of 2012;

15 (5) subject to revocation under subsection (a)(2) of  
16 Section 6-205 of this Code for a conviction of Section  
17 11-501 of this Code;

18 (6) subject to revocation under subsection (a)(1) of  
19 Section 6-205 of this Code for conviction of reckless  
20 homicide where drugs or alcohol were an element of the  
21 offense; or

22 (7) subject to revocation under subsection (a)(1) of  
23 Section 6-206 of this Code for committing an offense for  
24 which mandatory revocation of a driver's license or permit  
25 is required upon conviction, if alcohol or other drugs are  
26 recited as an element of the offense.

1       (b) Where an offender's driver's license is invalid due to  
2 the commission of an offense for which the Secretary has no  
3 authority to issue a permit, that offender shall not be issued  
4 an ignition interlock permit.

5       (c) No ignition interlock permit shall be issued to an  
6 offender less than 18 years of age.

7       (d) No ignition interlock permit shall become effective  
8 prior to the 31st day of the suspension or revocation.

9       (e) Upon mailing of the notice of suspension or revocation  
10 of driving privileges for any of the reasons set forth in  
11 subsection (a) of this Section, the Secretary shall also send  
12 written notice informing the person that he or she may be  
13 eligible for an ignition interlock permit. The notice shall  
14 include, at minimum, information summarizing the procedure to  
15 be followed for issuance of the ignition interlock permit,  
16 installation of the breath alcohol ignition interlock device  
17 (BAIID), exemption from BAIID installation requirements, and  
18 procedures to be followed by those seeking indigent status, as  
19 provided in this Section. Upon receipt of the notice, the  
20 person may submit an ignition interlock permit application to  
21 the Secretary, in a manner and form prescribed by the  
22 Secretary.

23       (f) A person issued an ignition interlock permit may drive  
24 for any purpose and at any time, subject to the rules adopted  
25 by the Secretary under subsection (k) of this Section. The  
26 person must, at his or her own expense, drive only vehicles

1 equipped with a BAIID, but in no event shall such person drive  
2 a commercial motor vehicle.

3 (g) Persons who are issued an ignition interlock permit and  
4 must drive employer-owned vehicles in the course of their  
5 employment duties may seek permission to drive an  
6 employer-owned vehicle that does not have a BAIID, subject to  
7 rules promulgated by the Secretary. The employer shall provide  
8 to the Secretary a form, as prescribed by the Secretary,  
9 completed by the employer verifying that the employee must  
10 drive an employer-owned vehicle in the course of employment. If  
11 approved by the Secretary, the form must be in the driver's  
12 possession while operating an employer-owner vehicle not  
13 equipped with a BAIID. No person may use this exemption to  
14 drive a school bus, school vehicle, or a vehicle designed to  
15 transport more than 15 passengers. No person may use this  
16 exemption to drive an employer-owned motor vehicle that is  
17 owned by an entity that is wholly or partially owned by the  
18 person holding the ignition interlock permit, or by a family  
19 member of the person holding the ignition interlock permit. No  
20 person may use this exemption to drive an employer-owned  
21 vehicle that is made available to the employee for personal  
22 use. No person may drive the exempted vehicle more than 12  
23 hours per day, 6 days per week.

24 (h) A person participating in the ignition interlock permit  
25 program must pay the Secretary an ignition interlock permit  
26 administration fee in an amount not to exceed \$30 per month, to

1 be deposited into the Secretary of State DUI Administration  
2 Fund. The Secretary shall establish by rule the amount and the  
3 procedures, terms, and conditions relating to these fees. The  
4 person receiving the ignition interlock permit must have a  
5 BAIID installed within 14 days of the date the Secretary issues  
6 the ignition interlock permit. The BAIID provider must notify  
7 the Secretary, in a manner and form prescribed by the  
8 Secretary, of the installation. If the Secretary does not  
9 receive notice of installation, the Secretary shall cancel the  
10 ignition interlock permit.

11 (i) Persons who are issued an ignition interlock permit and  
12 who must drive a farm tractor to and from a farm, within 50 air  
13 miles from the originating farm are exempt from installation of  
14 a BAIID on the farm tractor, so long as the farm tractor is  
15 being used for the exclusive purpose of conducting farm  
16 operations.

17 (j) If the Secretary determines that the person seeking the  
18 ignition interlock permit is indigent, the Secretary shall  
19 provide the person with a written document as evidence of that  
20 determination, and the person shall provide that written  
21 document to an ignition interlock device provider. The provider  
22 shall install an ignition interlock device on that person's  
23 vehicle without charge to the person, and seek reimbursement  
24 from the Indigent BAIID Fund. If the Secretary has deemed an  
25 offender indigent, the BAIID provider shall also provide the  
26 normal monthly monitoring services and the de-installation

1 without charge to the offender and seek reimbursement from the  
2 Indigent BAIID Fund. Any other monetary charges, such as a  
3 lockout fee or reset fee, shall be the responsibility of the  
4 ignition interlock permit holder. A BAIID provider may not seek  
5 a security deposit from the Indigent BAIID Fund.

6 (k) The Secretary shall adopt rules for implementing this  
7 Section. The rules adopted shall address issues including, but  
8 not limited to: compliance with the requirements of the  
9 ignition interlock permit; methods for determining compliance  
10 with those requirements; the consequences of noncompliance  
11 with those requirements; what constitutes a violation of the  
12 ignition interlock permit; methods for determining indigency;  
13 and the duties of a person or entity that supplies the BAIID.

14 (l) The rules to be adopted under subsection (k) of this  
15 Section shall provide, at a minimum, that the person is not in  
16 compliance with the requirements of the ignition interlock  
17 permit if he or she:

18 (1) tampers or attempts to tamper with or circumvent  
19 the proper operation of the BAIID or possesses any device  
20 designed to circumvent a BAIID;

21 (2) provides valid breath samples that register blood  
22 alcohol levels in excess of the number of times allowed  
23 under the rules;

24 (3) fails to provide evidence sufficient to satisfy the  
25 Secretary that the BAIID has been installed in the  
26 designated vehicle or vehicles; or

1           (4) fails to follow any other applicable rules adopted  
2           by the Secretary.

3           (m) Any person or entity that supplies a BAIID as provided  
4           under this Section shall, in addition to supplying only those  
5           devices which fully comply with all the rules adopted by the  
6           Secretary, provide the Secretary, within 7 days of inspection,  
7           all monitoring reports of each person who has had a BAIID  
8           installed. These reports shall be furnished in a manner or form  
9           as prescribed by the Secretary.

10          (n) Upon making a determination that a violation of the  
11          requirements of the ignition interlock permit has occurred, the  
12          Secretary shall extend the suspension or revocation as provided  
13          by administrative rule, during which time the person shall only  
14          be allowed to drive vehicles equipped with a BAIID provided  
15          further there are no limitations on the total number of  
16          extensions . The Secretary may, however, limit the number of  
17          extensions imposed for violations occurring during any one  
18          monitoring period, as set forth by rule. Any person whose  
19          suspension or revocation is extended under this Section shall  
20          have the right to contest the extension through a hearing with  
21          the Secretary, under Section 2-118 of this Code. If the  
22          suspension or revocation has already terminated prior to the  
23          Secretary receiving the monitoring report that shows a  
24          violation, the Secretary shall be authorized to suspend or  
25          revoke the person's driving privileges for 3 months, provided  
26          that the Secretary may, by rule, limit the number of

1 suspensions or revocations to be entered under this subsection  
2 for violations occurring during any one monitoring period. Any  
3 person whose license is suspended or revoked under this  
4 subsection, after the summary suspension or revocation had  
5 already terminated, shall have the right to contest the  
6 suspension or revocation through a hearing with the Secretary,  
7 under Section 2-118 of this Code.

8 (o) A person who has had his or her suspension or  
9 revocation extended for the third time, or has any combination  
10 of 3 extensions and new suspensions, entered as a result of a  
11 violation that occurred while holding a monitoring device  
12 driving permit or ignition interlock permit, so long as the  
13 extensions and new suspensions relate to the same offense,  
14 shall have his or her vehicle impounded for a period of 30  
15 days, at the person's own expense. A person who has his or her  
16 summary suspension extended for the fourth time, or has any  
17 combination of 4 extensions and new suspensions, entered as a  
18 result of a violation that occurred while holding a monitoring  
19 device driving permit or ignition interlock permit, so long as  
20 the extensions and new suspensions relate to the same summary  
21 suspension, shall have his or her vehicle subject to seizure  
22 and forfeiture. The Secretary shall notify the prosecuting  
23 authority of any third or fourth extensions or new suspension  
24 entered as a result of a violation that occurred while the  
25 person held a monitoring device driving permit or ignition  
26 interlock permit. Upon receipt of the notification, the

1 prosecuting authority shall impound or forfeit the vehicle. The  
2 impoundment or forfeiture of a vehicle shall be conducted under  
3 the procedure specified in Article 36 of the Criminal Code of  
4 1961.

5 (p) Any person or entity that supplies a BAIID under this  
6 Section shall, for each BAIID installed, pay 5% of the total  
7 gross revenue received for the device, including monthly  
8 monitoring fees, into the Indigent BAIID Fund. This 5% shall be  
9 clearly indicated as a separate surcharge on each invoice that  
10 is issued. The Secretary shall conduct an annual review of the  
11 fund to determine whether the surcharge is sufficient to  
12 provide for indigent users. The Secretary may increase or  
13 decrease this surcharge requirement as needed.

14 (q) Any person or entity that supplies a BAIID under this  
15 Section that is requested to provide a BAIID to a person who  
16 presents written documentation of indigency from the  
17 Secretary, as provided in subsection (c-5) of this Section,  
18 shall install the device on the person's vehicle without charge  
19 to the person and shall seek reimbursement from the Indigent  
20 BAIID Fund.

21 (r) The Secretary shall, subject to appropriation by the  
22 General Assembly, use all money in the Indigent BAIID Fund to  
23 reimburse ignition interlock device providers who have  
24 installed devices in vehicles of indigent persons. The  
25 Secretary shall make payments to such providers every 3 months.  
26 If the amount of money in the fund at the time payments are

1 made is not sufficient to pay all requests for reimbursement  
2 submitted during that 3 month period, the Secretary shall make  
3 payments on a pro-rata basis, and those payments shall be  
4 considered payment in full for the requests submitted.

5 (s) The Secretary is authorized to prescribe such forms as  
6 it deems necessary to carry out the provisions of this Section.

7 (t) As of the effective date of this Act, any person who  
8 holds a restricted driving permit or monitoring device driving  
9 permit who would otherwise be eligible for an ignition  
10 interlock permit may petition the Secretary of State, and the  
11 Secretary shall allow, the surrender of the restricted driving  
12 permit or monitoring device driving permit in exchange for the  
13 issuance of an ignition interlock permit. No person holding a  
14 restricted driving permit or monitoring device driving permit  
15 as of the effective date of this Act shall be required to  
16 obtain an ignition interlock permit in lieu of a restricted  
17 driving permit or monitoring device driving permit.

18 (u) As of the effective date of this Act, any person who  
19 was eligible for a restricted driving permit and who is  
20 otherwise eligible for an ignition interlock permit, but who  
21 has not been issued a restricted driving permit or who was not  
22 awaiting an order from the Secretary of State as the result of  
23 a hearing requesting a restricted driving permit, shall no  
24 longer be eligible for a restricted driving permit, but instead  
25 shall only be eligible for an ignition interlock permit.

26 (v) As of the effective date of this amendatory Act, any

1 person who was eligible for a monitoring device driving permit,  
2 but who had not been issued a monitoring device driving permit  
3 or who had not yet applied for an monitoring device driving  
4 permit as evidenced by submission of an application for the  
5 same, shall no longer by eligible for an monitoring device  
6 driving permit, but shall only be eligible for an ignition  
7 interlock permit.

8 (w) Notwithstanding any other provision of law, any money  
9 that would be paid into the Monitoring Device Driving Permit  
10 Administration Fee Fund shall be paid into the Secretary of  
11 State DUI Administration Fund instead.

12 (x) An ignition interlock permit is invalid during any  
13 period in which the holder:

14 (1) tampers with or circumvents the operation of a  
15 BAIID;

16 (2) possesses or utilizes any device designed to  
17 circumvent the operation of a BAIID; or

18 (3) has another person blow into the BAIID.

19 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

20 Sec. 6-208. Period of Suspension - Application After  
21 Revocation.

22 (a) Except as otherwise provided by this Code or any other  
23 law of this State, the Secretary of State shall not suspend a  
24 driver's license, permit, or privilege to drive a motor vehicle  
25 on the highways for a period of more than one year.

1 (b) Any person whose license, permit, or privilege to drive  
2 a motor vehicle on the highways has been revoked shall not be  
3 entitled to have such license, permit, or privilege renewed or  
4 restored. However, such person may, except as provided under  
5 subsections (d) and (d-5) of Section 6-205, make application  
6 for a license pursuant to Section 6-106 (i) if the revocation  
7 was for a cause that has been removed or (ii) as provided in  
8 the following subparagraphs:

9 1. Except as provided in subparagraphs 1.5, 2, 3, 4,  
10 and 5, the person may make application for a license (A)  
11 after the expiration of one year from the effective date of  
12 the revocation, (B) in the case of a violation of paragraph  
13 (b) of Section 11-401 of this Code or a similar provision  
14 of a local ordinance, after the expiration of 3 years from  
15 the effective date of the revocation, ~~or~~ (C) in the case of  
16 a violation of Section 9-3 of the Criminal Code of 1961 or  
17 the Criminal Code of 2012 or a similar provision of a law  
18 of another state relating to the offense of reckless  
19 homicide or a violation of subparagraph (F) of paragraph 1  
20 of subsection (d) of Section 11-501 of this Code relating  
21 to aggravated driving under the influence of alcohol, other  
22 drug or drugs, intoxicating compound or compounds, or any  
23 combination thereof, if the violation was the proximate  
24 cause of a death, after the expiration of 2 years from the  
25 effective date of the revocation or after the expiration of  
26 24 months from the date of release from a period of

1 imprisonment as provided in Section 6-103 of this Code,  
2 whichever is later, or (D) in the case of a violation of  
3 Section 11-501 of this Code where the offender was less  
4 than 21 years of age at the time of the violation, after  
5 the expiration of 2 years from the effective date of the  
6 revocation.

7 1.5. If the person is convicted of a violation of  
8 Section 6-303 of this Code committed while his or her  
9 driver's license, permit, or privilege was revoked because  
10 of a violation of Section 9-3 of the Criminal Code of 1961  
11 or the Criminal Code of 2012, relating to the offense of  
12 reckless homicide, or a similar provision of a law of  
13 another state, the person may not make application for a  
14 license or permit until the expiration of 3 years from the  
15 date of the conviction.

16 2. If such person is convicted of committing a second  
17 violation within a 20-year period of:

18 (A) Section 11-501 of this Code or a similar  
19 provision of a local ordinance;

20 (B) Paragraph (b) of Section 11-401 of this Code or  
21 a similar provision of a local ordinance;

22 (C) Section 9-3 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, relating to the offense of  
24 reckless homicide; or

25 (D) any combination of the above offenses  
26 committed at different instances;

1 then such person may not make application for a license  
2 until after the expiration of 5 years from the effective  
3 date of the most recent revocation. The 20-year period  
4 shall be computed by using the dates the offenses were  
5 committed and shall also include similar out-of-state  
6 offenses and similar offenses committed on a military  
7 installation. A person who has been issued an ignition  
8 interlock permit and who has held the permit for a minimum  
9 of one year without a violation of the ignition interlock  
10 permit terms and conditions and who has not been convicted  
11 or received court supervision for a subsequent violation of  
12 Section 11-501, 11-401, 6-303 or 6-303.5 of this Code or  
13 Section 9-3 of the Criminal Code of 1961 or Criminal Code  
14 of 2012 relating to the offense of reckless homicide where  
15 the use of alcohol or other drugs is recited as an element  
16 of the offense, or a similar provision of a local ordinance  
17 our out-of-state offense, may petition the Secretary of  
18 State to reduce the term of the revocation by a period of  
19 one year. After a one-year reduction, a person who  
20 continues to hold the ignition interlock permit for an  
21 additional year and who has complied with the provisions of  
22 this subparagraph, may petition the Secretary of State to  
23 reduce the term of the revocation by an additional year.

24 2.5. If a person is convicted of a second violation of  
25 Section 6-303 of this Code committed while the person's  
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961  
2 or the Criminal Code of 2012, relating to the offense of  
3 reckless homicide, or a similar provision of a law of  
4 another state, the person may not make application for a  
5 license or permit until the expiration of 5 years from the  
6 date of release from a term of imprisonment.

7 3. However, except as provided in subparagraph 4, if  
8 such person is convicted of committing a third or  
9 subsequent violation or any combination of the above  
10 offenses, including similar out-of-state offenses and  
11 similar offenses committed on a military installation,  
12 contained in subparagraph 2, then such person may not make  
13 application for a license until after the expiration of 10  
14 years from the effective date of the most recent  
15 revocation. A person who has been issued an ignition  
16 interlock permit and who has held the permit for a minimum  
17 period of 3 years without a violation of the ignition  
18 interlock permit terms and conditions and who has not been  
19 convicted of or received a disposition of court supervision  
20 for a subsequent violation of Section 11-501, 11-401, 6-303  
21 or 6-303.5 of this Code or Section 9-3 of the Criminal Code  
22 of 1961 or Criminal Code of 2012 relating to the offense of  
23 reckless homicide where the use of alcohol or other drugs  
24 is recited as an element of the offense, or a similar  
25 provision of a local ordinance or out-of-state offense, may  
26 petition the Secretary of State to reduce the term of the

1       revocation by a period of one year. After a one-year  
2       reduction, a person who continues to hold the ignition  
3       interlock permit for an additional year and who has  
4       complied with the provisions of this paragraph, may  
5       petition the Secretary of State to reduce the term of the  
6       revocation by an additional year.

7           4. The person may not make application for a license if  
8       the person is convicted of committing a fourth or  
9       subsequent violation of Section 11-501 of this Code or a  
10      similar provision of a local ordinance, Section 11-401 of  
11      this Code, Section 9-3 of the Criminal Code of 1961 or the  
12      Criminal Code of 2012, or a combination of these offenses,  
13      similar provisions of local ordinances, similar  
14      out-of-state offenses, or similar offenses committed on a  
15      military installation.

16          5. The person may not make application for a license or  
17      permit if the person is convicted of a third or subsequent  
18      violation of Section 6-303, 6-303.5, or a combination  
19      thereof of this Code committed while his or her driver's  
20      license, permit, or privilege was revoked because of a  
21      violation of Section 9-3 of the Criminal Code of 1961 or  
22      the Criminal Code of 2012, relating to the offense of  
23      reckless homicide, or a similar provision of a law of  
24      another state.

25          Notwithstanding any other provision of this Code, all  
26      persons referred to in this paragraph (b) may not have their

1 privileges restored until the Secretary receives payment of the  
2 required reinstatement fee pursuant to subsection (b) of  
3 Section 6-118.

4 In no event shall the Secretary issue such license unless  
5 and until such person has had a hearing pursuant to this Code  
6 and the appropriate administrative rules and the Secretary is  
7 satisfied, after a review or investigation of such person, that  
8 to grant the privilege of driving a motor vehicle on the  
9 highways will not endanger the public safety or welfare.

10 (c) (Blank).

11 (d) Under 23 USC 1403, a person who has 2 or more  
12 convictions for violating Section 11-501 of this Code or a  
13 similar provision of a local ordinance or a similar out of  
14 state offense shall not be eligible for reinstatement of  
15 driving privileges as set forth above unless the person has  
16 driven successfully with a BAIID for a total of at least 12  
17 months or has served a minimum one year revocation or  
18 suspension without driving privileges.

19 (Source: P.A. 96-607, eff. 8-24-09; 97-1150, eff. 1-25-13.)

20 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

21 (Text of Section from P.A. 96-1526)

22 Sec. 6-208.1. Period of statutory summary alcohol, other  
23 drug, or intoxicating compound related suspension.

24 (a) Unless the statutory summary suspension has been  
25 rescinded, any person whose privilege to drive a motor vehicle

1 on the public highways has been summarily suspended, pursuant  
2 to Section 11-501.1, shall not be eligible for restoration of  
3 the privilege until the expiration of:

4 1. Eighteen ~~Twelve~~ months from the effective date of  
5 the statutory summary suspension for a refusal or failure  
6 to complete a test or tests to determine the alcohol, drug,  
7 or intoxicating compound concentration, pursuant to  
8 Section 11-501.1; or

9 2. Twelve ~~Six~~ months from the effective date of the  
10 statutory summary suspension imposed following the  
11 person's submission to a chemical test which disclosed an  
12 alcohol concentration of 0.08 or more, or any amount of a  
13 drug, substance, or intoxicating compound in such person's  
14 breath, blood, or urine resulting from the unlawful use or  
15 consumption of cannabis listed in the Cannabis Control Act,  
16 a controlled substance listed in the Illinois Controlled  
17 Substances Act, an intoxicating compound listed in the Use  
18 of Intoxicating Compounds Act, or methamphetamine as  
19 listed in the Methamphetamine Control and Community  
20 Protection Act, pursuant to Section 11-501.1; or

21 3. Forty-eight months ~~Three years~~ from the effective  
22 date of the statutory summary suspension for any person  
23 other than a first offender who refuses or fails to  
24 complete a test or tests to determine the alcohol, drug, or  
25 intoxicating compound concentration pursuant to Section  
26 11-501.1; or

1           4. Eighteen months ~~One year~~ from the effective date of  
2 the summary suspension imposed for any person other than a  
3 first offender following submission to a chemical test  
4 which disclosed an alcohol concentration of 0.08 or more  
5 pursuant to Section 11-501.1 or any amount of a drug,  
6 substance or compound in such person's blood or urine  
7 resulting from the unlawful use or consumption of cannabis  
8 listed in the Cannabis Control Act, a controlled substance  
9 listed in the Illinois Controlled Substances Act, an  
10 intoxicating compound listed in the Use of Intoxicating  
11 Compounds Act, or methamphetamine as listed in the  
12 Methamphetamine Control and Community Protection Act.

13           (a-5) A person who installs a BAIID within 30 days of the  
14 effective date of the suspension, continuously participates in  
15 the ignition interlock permit program for the length of the  
16 summary suspension and who has no violations of the program may  
17 have his summary suspension reduced as follows:

18           (1) to 6 months from 12 months for a first offender who  
19 submitted to a chemical test which disclosed an alcohol  
20 concentration of 0.08 or more under Section 11-501.1 of  
21 this Code or any amount of a drug, substance or compound in  
22 such person's blood or urine resulting from the unlawful  
23 use or consumption of cannabis listed in the Cannabis  
24 Control Act, a controlled substance listed in the Illinois  
25 Controlled Substances Act, an intoxicating compound listed  
26 in the Use of Intoxicating Compounds Act, or

1 methamphetamine as listed in the Methamphetamine Control  
2 and Community Protection Act;

3 (2) to 12 months from 18 months for a first offender  
4 who refused or failed to complete chemical testing or for a  
5 non-first offender who submitted to a chemical test which  
6 disclosed an alcohol concentration of 0.08 or more under  
7 Section 11-501.1 of this Code or any amount of a drug,  
8 substance or compound in such person's blood or urine  
9 resulting from the unlawful use or consumption of cannabis  
10 listed in the Cannabis Control Act, a controlled substance  
11 listed in the Illinois Controlled Substances Act, an  
12 intoxicating compound listed in the Use of Intoxicating  
13 Compounds Act, or methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act; or

15 (3) to 36 months from 48 months for a non-first  
16 offender who refused or failed to complete chemical  
17 testing.

18 (b) Following a statutory summary suspension of the  
19 privilege to drive a motor vehicle under Section 11-501.1,  
20 driving privileges shall be restored if the person has  
21 submitted a drug and alcohol evaluation and proof of successful  
22 completion of any recommended countermeasures to the Secretary  
23 of State, unless the person is otherwise suspended, revoked, or  
24 cancelled by this Code. The Secretary shall adopt rules  
25 implementing this provision, including how this proof shall be  
26 submitted and what constitutes successful completion. If the

1 Secretary determines the person has not successfully completed  
2 recommended countermeasures, an order denying termination of  
3 the statutory summary suspension shall be entered. Any person  
4 who was denied termination of his statutory summary suspension  
5 under this Section shall have the right to contest the denial  
6 through a hearing with the Secretary, under Section 2-118 of  
7 this Code. If a person submits proof of successful completion  
8 of countermeasures and then has his or her suspension extended  
9 as the result of a violation of the ignition interlock permit  
10 program, he or she shall be required to submit an updated  
11 evaluation prior and proof of successful completion of any  
12 recommended countermeasures to termination of the suspension.  
13 ~~If the court has reason to believe that the person's driving~~  
14 ~~privilege should not be restored, the court shall notify the~~  
15 ~~Secretary of State prior to the expiration of the statutory~~  
16 ~~summary suspension so appropriate action may be taken pursuant~~  
17 ~~to this Code.~~

18 (c) Driving privileges may not be restored until all  
19 applicable reinstatement fees, as provided by this Code, have  
20 been paid to the Secretary of State and the appropriate entry  
21 made to the driver's record.

22 (d) Where a driving privilege has been summarily suspended  
23 under Section 11-501.1 and the person is subsequently convicted  
24 of violating Section 11-501, or a similar provision of a local  
25 ordinance, for the same incident, any period served on  
26 statutory summary suspension shall be credited toward the

1 minimum period of revocation of driving privileges imposed  
2 pursuant to Section 6-205.

3 (e) (Blank).

4 (f) (Blank).

5 (g) (Blank). ~~Following a statutory summary suspension of~~  
6 ~~driving privileges pursuant to Section 11-501.1 where the~~  
7 ~~person was not a first offender, as defined in Section 11-500,~~  
8 ~~the Secretary of State may not issue a restricted driving~~  
9 ~~permit.~~

10 (h) (Blank).

11 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,  
12 eff. 8-21-08; 96-1526, eff. 2-14-11.)

13 (Text of Section from P.A. 96-1344 and 97-229)

14 Sec. 6-208.1. Period of statutory summary alcohol, other  
15 drug, or intoxicating compound related suspension or  
16 revocation.

17 (a) Unless the statutory summary suspension has been  
18 rescinded, any person whose privilege to drive a motor vehicle  
19 on the public highways has been summarily suspended, pursuant  
20 to Section 11-501.1, shall not be eligible for restoration of  
21 the privilege until the expiration of:

22 1. Eighteen ~~Twelve~~ months from the effective date of  
23 the statutory summary suspension for a refusal or failure  
24 to complete a test or tests to determine the alcohol, drug,  
25 or intoxicating compound concentration, pursuant to

1 Section 11-501.1, if the person was not involved in a motor  
2 vehicle crash that caused personal injury or death to  
3 another; or

4 2. Twelve ~~Six~~ months from the effective date of the  
5 statutory summary suspension imposed following the  
6 person's submission to a chemical test which disclosed an  
7 alcohol concentration of 0.08 or more, or any amount of a  
8 drug, substance, or intoxicating compound in such person's  
9 breath, blood, or urine resulting from the unlawful use or  
10 consumption of cannabis listed in the Cannabis Control Act,  
11 a controlled substance listed in the Illinois Controlled  
12 Substances Act, an intoxicating compound listed in the Use  
13 of Intoxicating Compounds Act, or methamphetamine as  
14 listed in the Methamphetamine Control and Community  
15 Protection Act, pursuant to Section 11-501.1; or

16 3. Forty-eight months ~~Three years~~ from the effective  
17 date of the statutory summary suspension for any person  
18 other than a first offender who refuses or fails to  
19 complete a test or tests to determine the alcohol, drug, or  
20 intoxicating compound concentration pursuant to Section  
21 11-501.1; or

22 4. Eighteen months ~~One year~~ from the effective date of  
23 the summary suspension imposed for any person other than a  
24 first offender following submission to a chemical test  
25 which disclosed an alcohol concentration of 0.08 or more  
26 pursuant to Section 11-501.1 or any amount of a drug,

1 substance or compound in such person's blood or urine  
2 resulting from the unlawful use or consumption of cannabis  
3 listed in the Cannabis Control Act, a controlled substance  
4 listed in the Illinois Controlled Substances Act, an  
5 intoxicating compound listed in the Use of Intoxicating  
6 Compounds Act, or methamphetamine as listed in the  
7 Methamphetamine Control and Community Protection Act.

8 (a-1) Unless the statutory summary revocation has been  
9 rescinded, any person whose privilege to drive has been  
10 summarily revoked pursuant to Section 11-501.1 may not make  
11 application for a license or permit until the expiration of one  
12 year from the effective date of the summary revocation.

13 (a-5) A person who installs a BAIID within 30 days of the  
14 effective date of the suspension, continuously participates in  
15 the ignition interlock permit program for the length of the  
16 summary suspension and who has no violations of the program may  
17 have his summary suspension reduced as follows:

18 (1) to 6 months from 12 months for a first offender who  
19 submitted to a chemical test which disclosed an alcohol  
20 concentration of 0.08 or more under Section 11-501.1 of  
21 this Code or any amount of a drug, substance or compound in  
22 such person's blood or urine resulting from the unlawful  
23 use or consumption of cannabis listed in the Cannabis  
24 Control Act, a controlled substance listed in the Illinois  
25 Controlled Substances Act, an intoxicating compound listed  
26 in the Use of Intoxicating Compounds Act, or

1 methamphetamine as listed in the Methamphetamine Control  
2 and Community Protection Act;

3 (2) to 12 months from 18 months for a first offender  
4 who refused or failed to complete chemical testing or for a  
5 non-first offender who submitted to a chemical test which  
6 disclosed an alcohol concentration of 0.08 or more under  
7 Section 11-501.1 of this Code or any amount of a drug,  
8 substance or compound in such person's blood or urine  
9 resulting from the unlawful use or consumption of cannabis  
10 listed in the Cannabis Control Act, a controlled substance  
11 listed in the Illinois Controlled Substances Act, an  
12 intoxicating compound listed in the Use of Intoxicating  
13 Compounds Act, or methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act; or

15 (3) to 36 months from 48 months for a non-first  
16 offender who refused or failed to complete chemical  
17 testing.

18 (b) Following a statutory summary suspension of the  
19 privilege to drive a motor vehicle under Section 11-501.1,  
20 driving privileges shall be restored if the person has  
21 submitted a drug and alcohol evaluation and proof of successful  
22 completion of any recommended countermeasures to the Secretary  
23 of State, unless the person is otherwise suspended, revoked, or  
24 cancelled by this Code. The Secretary shall adopt rules  
25 implementing this provision, including how this proof shall be  
26 submitted and what constitutes successful completion. If the

1 Secretary determines the person has not successfully completed  
2 recommended countermeasures, an order denying termination of  
3 the statutory summary suspension shall be entered. Any person  
4 who was denied termination of his statutory summary suspension  
5 under this Section shall have the right to contest the denial  
6 through a hearing with the Secretary, under Section 2-118 of  
7 this Code. If a person submits proof of successful completion  
8 of countermeasures and then has his suspension extended as the  
9 result of a violation of the ignition interlock permit program,  
10 he or she shall be required to submit an updated evaluation  
11 prior and proof of successful completion of any recommended  
12 countermeasures to termination of the suspension. ~~If the court~~  
13 ~~has reason to believe that the person's driving privilege~~  
14 ~~should not be restored, the court shall notify the Secretary of~~  
15 ~~State prior to the expiration of the statutory summary~~  
16 ~~suspension so appropriate action may be taken pursuant to this~~  
17 ~~Code.~~

18 (c) Driving privileges may not be restored until all  
19 applicable reinstatement fees, as provided by this Code, have  
20 been paid to the Secretary of State and the appropriate entry  
21 made to the driver's record.

22 (d) Where a driving privilege has been summarily suspended  
23 or revoked under Section 11-501.1 and the person is  
24 subsequently convicted of violating Section 11-501, or a  
25 similar provision of a local ordinance, for the same incident,  
26 any period served on statutory summary suspension or revocation

1 shall be credited toward the minimum period of revocation of  
2 driving privileges imposed pursuant to Section 6-205.

3 (e) (Blank). ~~Following a statutory summary suspension of~~  
4 ~~driving privileges pursuant to Section 11-501.1, for a first~~  
5 ~~offender, the circuit court shall, unless the offender has~~  
6 ~~opted in writing not to have a monitoring device driving permit~~  
7 ~~issued, order the Secretary of State to issue a monitoring~~  
8 ~~device driving permit as provided in Section 6-206.1. A~~  
9 ~~monitoring device driving permit shall not be effective prior~~  
10 ~~to the 31st day of the statutory summary suspension. A first~~  
11 ~~offender who refused chemical testing and whose driving~~  
12 ~~privileges were summarily revoked pursuant to Section 11-501.1~~  
13 ~~shall not be eligible for a monitoring device driving permit,~~  
14 ~~but may make application for reinstatement or for a restricted~~  
15 ~~driving permit after a period of one year has elapsed from the~~  
16 ~~effective date of the revocation.~~

17 (f) (Blank).

18 (g) (Blank). ~~Following a statutory summary suspension of~~  
19 ~~driving privileges pursuant to Section 11-501.1 where the~~  
20 ~~person was not a first offender, as defined in Section 11-500,~~  
21 ~~the Secretary of State may not issue a restricted driving~~  
22 ~~permit.~~

23 (h) (Blank).

24 (Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11.)

25 (625 ILCS 5/6-303.5 new)

1       Sec. 6-303.5. Driving while driver's license, permit or  
2 privilege to operate a motor vehicle is suspended or revoked.

3       (a) Except as provided in subsections (b) and (c) of this  
4 Section, for any person who drives or is in actual physical  
5 control of a motor vehicle on any highway of this State at a  
6 time when such person's driver's license, permit, privilege to  
7 drive, or privilege to obtain a driver's license or permit is  
8 revoked or suspended as provided by this Code or the law of  
9 another state, except as may be specifically allowed by an  
10 ignition interlock permit, monitoring device driving permit,  
11 family financial responsibility driving permit, probationary  
12 license to drive, or restricted driving permit issued under  
13 this Code or under the law of another state, the following  
14 penalties and conditions shall apply:

15           (1) upon the first conviction for this offense, shall  
16 be guilty of a Class A misdemeanor;

17           (2) upon the second conviction for this offense, shall  
18 be guilty of a Class A misdemeanor and shall perform a  
19 minimum of 100 hours of public service; and

20           (3) upon the third or subsequent conviction for this  
21 offense, shall be guilty of a Class A misdemeanor, and  
22 shall serve a minimum term of imprisonment of 30 days or  
23 300 hours of community service, as determined by the court.

24       (b) For any person who violates this Section as provided in  
25 subsection (a) while his or her driver's license, permit, or  
26 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012,  
2 relating to the offense of reckless homicide, of this Code, or  
3 a similar provision of a law of another state, the following  
4 penalties and conditions shall apply:

5 (1) upon the first conviction for this offense, shall  
6 be guilty of a Class 4 felony and shall serve a minimum  
7 term of imprisonment of 30 consecutive days or 300 hours of  
8 community service. The person shall be required to undergo  
9 a professional evaluation, as provided in Section 11-501 of  
10 this Code, to determine if an alcohol, drug, or  
11 intoxicating compound problem exists and the extent of the  
12 problem, and to undergo the imposition of treatment as  
13 appropriate;

14 (2) upon a second conviction for this offense, shall be  
15 guilty of a Class 2 felony, shall not be eligible for  
16 probation or conditional discharge, and shall serve a  
17 mandatory term of imprisonment;

18 (3) upon a third conviction for this offense, shall be  
19 guilty of a Class 1 felony, shall not be eligible for  
20 probation or conditional discharge, and shall serve a  
21 mandatory term of imprisonment; and

22 (4) upon a fourth or subsequent conviction for such  
23 offense, shall be guilty of a Class 1 felony, shall not be  
24 eligible for probation or conditional discharge, shall  
25 serve a mandatory term of imprisonment, and is eligible for  
26 an extended term.

1       (c) For any person who violates this Section as provided in  
2 subsection (a) while his or her driver's license, permit, or  
3 privilege to drive or obtain a license or permit is suspended  
4 or revoked as a result of a violation of Section 11-501 of this  
5 Code, or a similar provision of a law of another state, or a  
6 similar provision of a local ordinance relating to the offense  
7 of operating or being in physical control of a vehicle while  
8 under the influence of alcohol, any other drug or any  
9 combination thereof, or a violation of subsection (b) of  
10 Section 11-401 of this Code, or a similar provision of a law of  
11 another state, or a similar provision of a local ordinance  
12 relating to the offense of leaving the scene of a motor vehicle  
13 accident involving personal injury or death, or a statutory  
14 summary suspension or revocation under Section 11-501.1 of this  
15 Code, the following penalties and conditions shall apply:

16       (1) upon the first conviction for this offense, shall  
17 be guilty of Class A misdemeanor and shall serve a minimum  
18 term of imprisonment of 10 consecutive days or 30 days of  
19 community service. This sentence of imprisonment or  
20 community service shall not be subject to suspension in  
21 order to reduce the sentence;

22       (2) upon a second conviction for this offense, shall be  
23 guilty of a Class 4 felony and shall serve a minimum term  
24 of imprisonment of 30 days or 300 hours of community  
25 service, as determined by the court;

26       (3) upon a third conviction for this offense, shall be

1 guilty of a Class 4 felony and shall serve a minimum term  
2 of imprisonment of 30 days;

3 (4) upon a fourth, fifth, sixth, seventh, eighth, or  
4 ninth conviction for this offense, shall be guilty of a  
5 Class 4 felony and shall serve a minimum term of  
6 imprisonment of 180 days;

7 (5) upon a tenth, eleventh, twelfth, thirteenth, or  
8 fourteenth conviction for this offense, shall be guilty of  
9 a Class 3 felony, and shall not be eligible for probation  
10 or conditional discharge; and

11 (6) upon a fifteenth or subsequent conviction for such  
12 offense, shall be guilty of a Class 2 felony, and shall not  
13 be eligible for probation or conditional discharge.

14 These sentences of imprisonment or community service shall  
15 not be subject to suspension in order to reduce the sentences.

16 (d) Prior convictions may be used to enhance the penalties  
17 in subsections (b) and (c) only if those convictions were for  
18 driving while the person's driver's license, permit, or  
19 privilege to drive or obtain a license or permit was suspended  
20 or revoked because of a violation of: Section 9-3 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, relating to  
22 the offense of reckless homicide; Section 11-501 of this Code,  
23 or a similar provision of a law of another state, or a similar  
24 provision of a local ordinance relating to the offense of  
25 operating or being in physical control of a vehicle while under  
26 the influence of alcohol, any other drug or any combination

1 thereof; subsection (b) of Section 11-401 of this Code, or a  
2 similar provision of a law of another state, or a similar  
3 provision of a local ordinance relating to the offense of  
4 leaving the scene of a motor vehicle accident involving  
5 personal injury or death; a statutory summary suspension or  
6 revocation under Section 11-501.1 of this Code; or any  
7 combination thereof.

8 (e) Upon receiving a report of the conviction of any  
9 violation indicating a person was operating a motor vehicle  
10 during the time when the person's driver's license, permit, or  
11 privilege to drive or obtain a license or permit was suspended  
12 by the Secretary of State or the driver's licensing  
13 administrator of another state, except as specifically allowed  
14 by a probationary license, restricted driving permit, or  
15 ignition interlock permit the Secretary shall extend the  
16 suspension for the same period of time as the originally  
17 imposed suspension unless the suspension has already expired,  
18 in which case the Secretary shall be authorized to suspend the  
19 person's driving privileges for the same period of time as the  
20 originally imposed suspension.

21 (f) Except as provided in subsection (b)(1) of this  
22 Section, upon receiving a report of the conviction of any  
23 violation indicating a person was operating a motor vehicle  
24 when the person's driver's license, permit, or privilege to  
25 drive or obtain a license or permit was revoked by the  
26 Secretary of State or the driver's license administrator of any

1 other state, except as may be specifically allowed by an  
2 ignition interlock permit, family financial responsibility  
3 driving permit, probationary license to drive, or a restricted  
4 driving permit issued under this Code or under the law of  
5 another state, the Secretary shall not issue a driver's license  
6 for an additional period of one year from the date of such  
7 conviction indicating such person was operating a vehicle  
8 during such period of revocation.

9 (g) Any person convicted of a violation of this Section  
10 when that person has been issued or was eligible for a ignition  
11 interlock permit shall serve a term of imprisonment of 30 days  
12 in addition to any other penalty imposed in this Section.

13 (h) When the Secretary of State receives a report of a  
14 conviction of any violation indicating a person was operating a  
15 motor vehicle that was not equipped with an ignition interlock  
16 device during a time when the person was prohibited from  
17 operating a motor vehicle not equipped with such a device, the  
18 Secretary shall not issue a driver's license to that person for  
19 an additional period of one year from the date of the  
20 conviction.

21 (i) In addition to other penalties imposed under this  
22 Section, the court may impose on any person convicted a fourth  
23 time of violating this Section any of the following:

24 (1) seizure of the license plates of the person's  
25 vehicle; or

26 (2) immobilization of the person's vehicle for a period

1 of time to be determined by the court.

2 (j) Any person in violation of this Section who is also in  
3 violation of Section 7-601 of this Code relating to mandatory  
4 insurance requirements, in addition to other penalties imposed  
5 under this Section, shall have his or her motor vehicle  
6 immediately impounded by the arresting law enforcement  
7 officer. The motor vehicle may be released to any licensed  
8 driver upon a showing of proof of insurance for the vehicle  
9 that was impounded and the notarized written consent for the  
10 release by the vehicle owner.

11 (k) The motor vehicle used in a violation of this Section  
12 is subject to seizure and forfeiture as provided in Sections  
13 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
14 driving privilege was revoked or suspended as a result of:

15 (1) a violation of Section 11-501 of this Code, a  
16 similar provision of a local ordinance, or a similar  
17 provision of a law of another state;

18 (2) a violation of subsection (b) of Section 11-401 of  
19 this Code, a similar provision of a local ordinance, or a  
20 similar provision of a law of another state;

21 (3) a statutory summary suspension or revocation under  
22 Section 11-501.1 of this Code or a similar provision of a  
23 law of another state; or

24 (4) a violation of Section 9-3 of the Criminal Code of  
25 1961 or the Criminal Code of 2012 relating to the offense  
26 of reckless homicide, or a similar provision of a law of

1       another state.

2       (l) For any prosecution under this Section, a certified  
3 copy of the driving abstract of the defendant shall be admitted  
4 as proof of any prior conviction.

5       (m) An person's convictions under Section 6-303 of the Code  
6 shall be included when calculating the total number of that  
7 person's prior convictions for purposes of determining the  
8 applicable sentence under this Section.

9       (625 ILCS 5/6-306.4) (from Ch. 95 1/2, par. 6-306.4)  
10       Sec. 6-306.4. Procedures for residents of other states.

11       (a) Except as provided in paragraph (b) of this Section,  
12 any resident of another state which is a member of the  
13 Nonresident Violator Compact of 1977, who is cited by a police  
14 officer for violating a traffic law or ordinance, shall have  
15 the option of (1) being taken without unnecessary delay before  
16 a court of jurisdiction or (2) executing a written promise to  
17 comply with the terms of the citation by signing at least one  
18 copy of a Uniform Traffic Ticket prepared by the police  
19 officer. The police officer may refuse to permit a nonresident  
20 violator to execute a written promise to comply with the terms  
21 of the citation if the nonresident violator cannot furnish  
22 satisfactory evidence of identity or if the officer has  
23 probable cause to believe the nonresident violator cited will  
24 disregard the written promise to comply with the citation.

25       If the person cited is a resident of another State which is

1 not a member of the Nonresident Violator Compact of 1977, then  
2 the rules established by the Supreme Court for bail bond and  
3 appearance procedures apply.

4 (b) Any person cited for violating the following provisions  
5 of this Code or a similar provision of local ordinances shall  
6 be governed by the bail provisions of the Illinois Supreme  
7 Court Rules when it is not practical or feasible to take the  
8 person before a judge to have bail set or to avoid undue delay  
9 because of the hour or circumstances: Section 3-101, Section  
10 3-702, Sections 3-707, 3-708 or 3-710, Chapter 4, Chapter 5,  
11 Section 6-101, Section 6-104, Section 6-113, Section 6-301,  
12 Section 6-303, Section 6-303.5, Section 8-115, Section 11-204,  
13 Section 11-310, Section 11-311, Section 11-312, Section  
14 11-401, Section 11-402, Section 11-403, Section 11-404,  
15 Section 11-409, Section 11-501, Section 11-503, Section  
16 11-504, Section 11-506, Section 11-601, when more than 30  
17 m.p.h. over the posted limit, Section 11-1006, Section 11-1414,  
18 Section 15-102, Section 15-103, Section 15-107, Section  
19 15-111, paragraph (f) of Section 15-112 or paragraph (j) of  
20 Section 15-301.

21 (c) If the person fails to comply with the executed written  
22 promise to comply with the original terms of the citation as  
23 indicated in paragraph (a) of this Section, the court shall  
24 continue the case for a minimum of 30 days and require that a  
25 notice of the continued court date be sent to the last known  
26 address of such person. If the person does not appear or

1 otherwise satisfy the court on or before the continued court  
2 date, the court shall enter an order of failure to appear to  
3 answer such charge. The clerk of such court shall notify the  
4 Secretary of State of the court's order within 21 days.

5 (d) Upon receiving such notice, the Secretary of State  
6 shall comply with the provisions of Section 6-803 of this Code.  
7 (Source: P.A. 95-310, eff. 1-1-08.)

8 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

9 (Text of Section before amendment by P.A. 97-1157)

10 Sec. 6-601. Penalties.

11 (a) It is a petty offense for any person to violate any of  
12 the provisions of this Chapter unless such violation is by this  
13 Code or other law of this State declared to be a misdemeanor or  
14 a felony.

15 (b) General penalties. Unless another penalty is in this  
16 Code or other laws of this State, every person convicted of a  
17 petty offense for the violation of any provision of this  
18 Chapter shall be punished by a fine of not more than \$500.

19 (c) Unlicensed driving. Except as hereinafter provided a  
20 violation of Section 6-101 shall be:

21 1. A Class A misdemeanor if the person failed to obtain  
22 a driver's license or permit after expiration of a period  
23 of revocation.

24 2. A Class B misdemeanor if the person has been issued  
25 a driver's license or permit, which has expired, and if the

1 period of expiration is greater than one year; or if the  
2 person has never been issued a driver's license or permit,  
3 or is not qualified to obtain a driver's license or permit  
4 because of his age.

5 If a licensee under this Code is convicted of violating  
6 Section 6-303 or 6-303.5 for operating a motor vehicle during a  
7 time when such licensee's driver's license was suspended under  
8 the provisions of Section 6-306.3, then such act shall be a  
9 petty offense (provided the licensee has answered the charge  
10 which was the basis of the suspension under Section 6-306.3),  
11 and there shall be imposed no additional like period of  
12 suspension as provided in paragraph (b) of Section 6-303 or  
13 subsection (e) of Section 6-303.5.

14 (Source: P.A. 96-607, eff. 8-24-09.)

15 (Text of Section after amendment by P.A. 97-1157)

16 Sec. 6-601. Penalties.

17 (a) It is a petty offense for any person to violate any of  
18 the provisions of this Chapter unless such violation is by this  
19 Code or other law of this State declared to be a misdemeanor or  
20 a felony.

21 (b) General penalties. Unless another penalty is in this  
22 Code or other laws of this State, every person convicted of a  
23 petty offense for the violation of any provision of this  
24 Chapter shall be punished by a fine of not more than \$500.

25 (c) Unlicensed driving. Except as hereinafter provided a

1 violation of Section 6-101 shall be:

2 1. A Class A misdemeanor if the person failed to obtain  
3 a driver's license or permit after expiration of a period  
4 of revocation.

5 2. A Class B misdemeanor if the person has been issued  
6 a driver's license or permit, which has expired, and if the  
7 period of expiration is greater than one year; or if the  
8 person has never been issued a driver's license or permit,  
9 or is not qualified to obtain a driver's license or permit  
10 because of his age.

11 3. A petty offense if the person has been issued a  
12 temporary visitor's driver's license or permit and is  
13 unable to provide proof of liability insurance as provided  
14 in subsection (d-5) of Section 6-105.1.

15 If a licensee under this Code is convicted of violating  
16 Section 6-303 or 6-303.5 for operating a motor vehicle during a  
17 time when such licensee's driver's license was suspended under  
18 the provisions of Section 6-306.3, then such act shall be a  
19 petty offense (provided the licensee has answered the charge  
20 which was the basis of the suspension under Section 6-306.3),  
21 and there shall be imposed no additional like period of  
22 suspension as provided in paragraph (b) of Section 6-303 or  
23 subsection (e) of 6-303.5.

24 (Source: P.A. 96-607, eff. 8-24-09; 97-1157, eff. 11-28-13.)

25 (625 ILCS 5/7-402) (from Ch. 95 1/2, par. 7-402)

1           Sec. 7-402. Surrender of license to drive and registration.  
2       Except as otherwise provided in this Code or Article V of the  
3       Supreme Court Rules, any person whose license to drive has been  
4       suspended shall immediately return to the Secretary of State  
5       any driver's license, instruction permit, restricted driving  
6       permit or other evidence of driving privileges held by such  
7       person. Any driving authorization document issued under  
8       Sections ~~Section~~ 6-206.1, 6-206.5, or 11-501.1 of this Code  
9       shall be returned to the issuing court for proper processing.  
10      Any person whose vehicle registration has been suspended shall,  
11      upon the request of the Secretary, immediately return to the  
12      Secretary any license plates or other evidences of registration  
13      held by such person.

14           The Secretary is authorized to take possession of any  
15      license to drive, registration certificate, registration  
16      sticker or license plates upon the suspension thereof under the  
17      provisions of this Code or to direct any law enforcement  
18      officer to take possession thereof and to return the same to  
19      the Secretary.

20           Any person willfully failing to comply with this Section is  
21      guilty of a Class A misdemeanor and shall be punished as  
22      provided in Section 9-110 of this Code.

23      (Source: P.A. 91-357, eff. 7-29-99.)

24           (625 ILCS 5/11-208.7)

25           Sec. 11-208.7. Administrative fees and procedures for

1 impounding vehicles for specified violations.

2 (a) Any municipality may, consistent with this Section,  
3 provide by ordinance procedures for the release of properly  
4 impounded vehicles and for the imposition of a reasonable  
5 administrative fee related to its administrative and  
6 processing costs associated with the investigation, arrest,  
7 and detention of an offender, or the removal, impoundment,  
8 storage, and release of the vehicle. The administrative fee  
9 imposed by the municipality may be in addition to any fees  
10 charged for the towing and storage of an impounded vehicle. The  
11 administrative fee shall be waived by the municipality upon  
12 verifiable proof that the vehicle was stolen at the time the  
13 vehicle was impounded.

14 (b) Any ordinance establishing procedures for the release  
15 of properly impounded vehicles under this Section may impose  
16 fees for the following violations:

17 (1) operation or use of a motor vehicle in the  
18 commission of, or in the attempt to commit, an offense for  
19 which a motor vehicle may be seized and forfeited pursuant  
20 to Section 36-1 of the Criminal Code of 2012; or

21 (2) driving under the influence of alcohol, another  
22 drug or drugs, an intoxicating compound or compounds, or  
23 any combination thereof, in violation of Section 11-501 of  
24 this Code; or

25 (3) operation or use of a motor vehicle in the  
26 commission of, or in the attempt to commit, a felony or in

1 violation of the Cannabis Control Act; or

2 (4) operation or use of a motor vehicle in the  
3 commission of, or in the attempt to commit, an offense in  
4 violation of the Illinois Controlled Substances Act; or

5 (5) operation or use of a motor vehicle in the  
6 commission of, or in the attempt to commit, an offense in  
7 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012; or

9 (6) driving while a driver's license, permit, or  
10 privilege to operate a motor vehicle is suspended or  
11 revoked pursuant to Section 6-303 or 6-303.5 of this Code;  
12 except that vehicles shall not be subjected to seizure or  
13 impoundment if the suspension is for an unpaid citation  
14 (parking or moving) or due to failure to comply with  
15 emission testing; or

16 (7) operation or use of a motor vehicle while  
17 soliciting, possessing, or attempting to solicit or  
18 possess cannabis or a controlled substance, as defined by  
19 the Cannabis Control Act or the Illinois Controlled  
20 Substances Act; or

21 (8) operation or use of a motor vehicle with an expired  
22 driver's license, in violation of Section 6-101 of this  
23 Code, if the period of expiration is greater than one year;  
24 or

25 (9) operation or use of a motor vehicle without ever  
26 having been issued a driver's license or permit, in

1 violation of Section 6-101 of this Code, or operating a  
2 motor vehicle without ever having been issued a driver's  
3 license or permit due to a person's age; or

4 (10) operation or use of a motor vehicle by a person  
5 against whom a warrant has been issued by a circuit clerk  
6 in Illinois for failing to answer charges that the driver  
7 violated Section 6-101, 6-303, 6-303.5, or 11-501 of this  
8 Code; or

9 (11) operation or use of a motor vehicle in the  
10 commission of, or in the attempt to commit, an offense in  
11 violation of Article 16 or 16A of the Criminal Code of 1961  
12 or the Criminal Code of 2012; or

13 (12) operation or use of a motor vehicle in the  
14 commission of, or in the attempt to commit, any other  
15 misdemeanor or felony offense in violation of the Criminal  
16 Code of 1961 or the Criminal Code of 2012, when so provided  
17 by local ordinance.

18 (c) The following shall apply to any fees imposed for  
19 administrative and processing costs pursuant to subsection  
20 (b):

21 (1) All administrative fees and towing and storage  
22 charges shall be imposed on the registered owner of the  
23 motor vehicle or the agents of that owner.

24 (2) The fees shall be in addition to (i) any other  
25 penalties that may be assessed by a court of law for the  
26 underlying violations; and (ii) any towing or storage fees,

1 or both, charged by the towing company.

2 (3) The fees shall be uniform for all similarly  
3 situated vehicles.

4 (4) The fees shall be collected by and paid to the  
5 municipality imposing the fees.

6 (5) The towing or storage fees, or both, shall be  
7 collected by and paid to the person, firm, or entity that  
8 tows and stores the impounded vehicle.

9 (d) Any ordinance establishing procedures for the release  
10 of properly impounded vehicles under this Section shall provide  
11 for an opportunity for a hearing, as provided in subdivision  
12 (b) (4) of Section 11-208.3 of this Code, and for the release of  
13 the vehicle to the owner of record, lessee, or a lienholder of  
14 record upon payment of all administrative fees and towing and  
15 storage fees.

16 (e) Any ordinance establishing procedures for the  
17 impoundment and release of vehicles under this Section shall  
18 include the following provisions concerning notice of  
19 impoundment:

20 (1) Whenever a police officer has cause to believe that  
21 a motor vehicle is subject to impoundment, the officer  
22 shall provide for the towing of the vehicle to a facility  
23 authorized by the municipality.

24 (2) At the time the vehicle is towed, the municipality  
25 shall notify or make a reasonable attempt to notify the  
26 owner, lessee, or person identifying himself or herself as

1 the owner or lessee of the vehicle, or any person who is  
2 found to be in control of the vehicle at the time of the  
3 alleged offense, of the fact of the seizure, and of the  
4 vehicle owner's or lessee's right to an administrative  
5 hearing.

6 (3) The municipality shall also provide notice that the  
7 motor vehicle will remain impounded pending the completion  
8 of an administrative hearing, unless the owner or lessee of  
9 the vehicle or a lienholder posts with the municipality a  
10 bond equal to the administrative fee as provided by  
11 ordinance and pays for all towing and storage charges.

12 (f) Any ordinance establishing procedures for the  
13 impoundment and release of vehicles under this Section shall  
14 include a provision providing that the registered owner or  
15 lessee of the vehicle and any lienholder of record shall be  
16 provided with a notice of hearing. The notice shall:

17 (1) be served upon the owner, lessee, and any  
18 lienholder of record either by personal service or by first  
19 class mail to the interested party's address as registered  
20 with the Secretary of State;

21 (2) be served upon interested parties within 10 days  
22 after a vehicle is impounded by the municipality; and

23 (3) contain the date, time, and location of the  
24 administrative hearing. An initial hearing shall be  
25 scheduled and convened no later than 45 days after the date  
26 of the mailing of the notice of hearing.

1           (g) In addition to the requirements contained in  
2 subdivision (b) (4) of Section 11-208.3 of this Code relating to  
3 administrative hearings, any ordinance providing for the  
4 impoundment and release of vehicles under this Section shall  
5 include the following requirements concerning administrative  
6 hearings:

7           (1) administrative hearings shall be conducted by a  
8 hearing officer who is an attorney licensed to practice law  
9 in this State for a minimum of 3 years;

10           (2) at the conclusion of the administrative hearing,  
11 the hearing officer shall issue a written decision either  
12 sustaining or overruling the vehicle impoundment;

13           (3) if the basis for the vehicle impoundment is  
14 sustained by the administrative hearing officer, any  
15 administrative fee posted to secure the release of the  
16 vehicle shall be forfeited to the municipality;

17           (4) all final decisions of the administrative hearing  
18 officer shall be subject to review under the provisions of  
19 the Administrative Review Law; and

20           (5) unless the administrative hearing officer  
21 overturns the basis for the vehicle impoundment, no vehicle  
22 shall be released to the owner, lessee, or lienholder of  
23 record until all administrative fees and towing and storage  
24 charges are paid.

25           (h) Vehicles not retrieved from the towing facility or  
26 storage facility within 35 days after the administrative

1 hearing officer issues a written decision shall be deemed  
2 abandoned and disposed of in accordance with the provisions of  
3 Article II of Chapter 4 of this Code.

4 (i) Unless stayed by a court of competent jurisdiction, any  
5 fine, penalty, or administrative fee imposed under this Section  
6 which remains unpaid in whole or in part after the expiration  
7 of the deadline for seeking judicial review under the  
8 Administrative Review Law may be enforced in the same manner as  
9 a judgment entered by a court of competent jurisdiction.

10 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13.)

11 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

12 Sec. 11-500. Definitions. For the purposes of interpreting  
13 Sections 6-206.1 and 6-208.1 of this Code, "first offender"  
14 shall mean any person who has not had:

15 (1) a previous conviction for violating Section 11-501  
16 of this Code or a similar provision of a local ordinance;

17 (2) a previous conviction in any other state for  
18 driving under the influence, driving while intoxicated,  
19 driving while impaired, or any offense where the cause of  
20 action is the same or substantially similar to Section  
21 11-501 of this Code;

22 (3) a previous court martial or non-judicial  
23 punishment by military authorities of the United States for  
24 driving under the influence, driving while intoxicated,  
25 driving while impaired or any offense where the cause of

1 action is the same or substantially similar to Section  
2 11-501 of this Code;

3 (4) a previous disposition of court assigned  
4 supervision for violating Section 11-501 of this Code or a  
5 similar provision of a local ordinance;

6 (5) a previous driver's license suspension or  
7 revocation for violating Section 11-501.1 of this Code;

8 (6) a previous driver's license suspension under  
9 paragraph (6) of subsection (a) of Section 6-206 of this  
10 Code for refusal of chemical testing in another state; or

11 (7) previous conviction for violating 9-3 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012, or a  
13 similar provision of a law of another state, where the use  
14 of alcohol or other drugs is recited as an element of the  
15 offense.

16 ~~a previous conviction or court assigned supervision for~~  
17 ~~violating Section 11-501, or a similar provision of a local~~  
18 ~~ordinance, or a conviction in any other state for a violation~~  
19 ~~of driving while under the influence or a similar offense where~~  
20 ~~the cause of action is the same or substantially similar to~~  
21 ~~this Code or similar offenses committed on a military~~  
22 ~~installation, or any person who has not had a driver's license~~  
23 ~~suspension pursuant to paragraph 6 of subsection (a) of Section~~  
24 ~~6-206 as the result of refusal of chemical testing in another~~  
25 ~~state, or any person who has not had a driver's license~~  
26 ~~suspension or revocation for violating Section 11-501.1 within~~

1 ~~5 years prior to the date of the current offense, except in~~  
2 ~~eases where the driver submitted to chemical testing resulting~~  
3 ~~in an alcohol concentration of 0.08 or more, or any amount of a~~  
4 ~~drug, substance, or compound in such person's blood or urine~~  
5 ~~resulting from the unlawful use or consumption of cannabis~~  
6 ~~listed in the Cannabis Control Act, a controlled substance~~  
7 ~~listed in the Illinois Controlled Substances Act, or an~~  
8 ~~intoxicating compound listed in the Use of Intoxicating~~  
9 ~~Compounds Act, or methamphetamine as listed in the~~  
10 ~~Methamphetamine Control and Community Protection Act and was~~  
11 ~~subsequently found not guilty of violating Section 11-501, or a~~  
12 ~~similar provision of a local ordinance.~~

13 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;  
14 96-1344, eff. 7-1-11.)

15 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

16 Sec. 11-501. Driving while under the influence of alcohol,  
17 other drug or drugs, intoxicating compound or compounds or any  
18 combination thereof.

19 (a) A person shall not drive or be in actual physical  
20 control of any vehicle within this State while:

21 (1) the alcohol concentration in the person's blood or  
22 breath is 0.08 or more based on the definition of blood and  
23 breath units in Section 11-501.2;

24 (2) under the influence of alcohol;

25 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that  
2 renders the person incapable of driving safely;

3 (4) under the influence of any other drug or  
4 combination of drugs to a degree that renders the person  
5 incapable of safely driving;

6 (5) under the combined influence of alcohol, other drug  
7 or drugs, or intoxicating compound or compounds to a degree  
8 that renders the person incapable of safely driving; or

9 (6) there is any amount of a drug, substance, or  
10 compound in the person's breath, blood, or urine resulting  
11 from the unlawful use or consumption of cannabis listed in  
12 the Cannabis Control Act, a controlled substance listed in  
13 the Illinois Controlled Substances Act, an intoxicating  
14 compound listed in the Use of Intoxicating Compounds Act,  
15 or methamphetamine as listed in the Methamphetamine  
16 Control and Community Protection Act.

17 (b) The fact that any person charged with violating this  
18 Section is or has been legally entitled to use alcohol, other  
19 drug or drugs, or intoxicating compound or compounds, or any  
20 combination thereof, shall not constitute a defense against any  
21 charge of violating this Section.

22 (c) Penalties.

23 (1) Except as otherwise provided in this Section, any  
24 person convicted of violating subsection (a) of this  
25 Section is guilty of a Class A misdemeanor.

26 (2) A person who violates subsection (a) or a similar

1 provision a second time shall be sentenced to a mandatory  
2 minimum term of either 5 days of imprisonment or 240 hours  
3 of community service in addition to any other criminal or  
4 administrative sanction.

5 (3) A person who violates subsection (a) is subject to  
6 6 months of imprisonment, an additional mandatory minimum  
7 fine of \$1,000, and 25 days of community service in a  
8 program benefiting children if the person was transporting  
9 a person under the age of 16 at the time of the violation.

10 (4) A person who violates subsection (a) a first time,  
11 if the alcohol concentration in his or her blood, breath,  
12 or urine was 0.16 or more based on the definition of blood,  
13 breath, or urine units in Section 11-501.2, shall be  
14 subject, in addition to any other penalty that may be  
15 imposed, to a mandatory minimum of 100 hours of community  
16 service and a mandatory minimum fine of \$500.

17 (5) A person who violates subsection (a) a second time,  
18 if at the time of the second violation the alcohol  
19 concentration in his or her blood, breath, or urine was  
20 0.16 or more based on the definition of blood, breath, or  
21 urine units in Section 11-501.2, shall be subject, in  
22 addition to any other penalty that may be imposed, to a  
23 mandatory minimum of 2 days of imprisonment and a mandatory  
24 minimum fine of \$1,250.

25 (d) Aggravated driving under the influence of alcohol,  
26 other drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof.

2 (1) Every person convicted of committing a violation of  
3 this Section shall be guilty of aggravated driving under  
4 the influence of alcohol, other drug or drugs, or  
5 intoxicating compound or compounds, or any combination  
6 thereof if:

7 (A) the person committed a violation of subsection  
8 (a) or a similar provision for the third or subsequent  
9 time;

10 (B) the person committed a violation of subsection  
11 (a) while driving a school bus with persons 18 years of  
12 age or younger on board;

13 (C) the person in committing a violation of  
14 subsection (a) was involved in a motor vehicle accident  
15 that resulted in great bodily harm or permanent  
16 disability or disfigurement to another, when the  
17 violation was a proximate cause of the injuries;

18 (D) the person committed a violation of subsection  
19 (a) and has been previously convicted of violating  
20 Section 9-3 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012 or a similar provision of a law  
22 of another state relating to reckless homicide in which  
23 the person was determined to have been under the  
24 influence of alcohol, other drug or drugs, or  
25 intoxicating compound or compounds as an element of the  
26 offense or the person has previously been convicted

1 under subparagraph (C) or subparagraph (F) of this  
2 paragraph (1);

3 (E) the person, in committing a violation of  
4 subsection (a) while driving at any speed in a school  
5 speed zone at a time when a speed limit of 20 miles per  
6 hour was in effect under subsection (a) of Section  
7 11-605 of this Code, was involved in a motor vehicle  
8 accident that resulted in bodily harm, other than great  
9 bodily harm or permanent disability or disfigurement,  
10 to another person, when the violation of subsection (a)  
11 was a proximate cause of the bodily harm;

12 (F) the person, in committing a violation of  
13 subsection (a), was involved in a motor vehicle,  
14 snowmobile, all-terrain vehicle, or watercraft  
15 accident that resulted in the death of another person,  
16 when the violation of subsection (a) was a proximate  
17 cause of the death;

18 (G) the person committed a violation of subsection  
19 (a) during a period in which the defendant's driving  
20 privileges are revoked or suspended, where the  
21 revocation or suspension was for a violation of  
22 subsection (a) or a similar provision, Section  
23 11-501.1, paragraph (b) of Section 11-401, or for  
24 reckless homicide as defined in Section 9-3 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012;

26 (H) the person committed the violation while he or

1 she did not possess a driver's license or permit, ~~or~~ a  
2 restricted driving permit, ~~or a judicial driving~~  
3 ~~permit~~ or a monitoring device driving permit, or an  
4 ignition interlock permit;

5 (I) the person committed the violation while he or  
6 she knew or should have known that the vehicle he or  
7 she was driving was not covered by a liability  
8 insurance policy;

9 (J) the person in committing a violation of  
10 subsection (a) was involved in a motor vehicle accident  
11 that resulted in bodily harm, but not great bodily  
12 harm, to the child under the age of 16 being  
13 transported by the person, if the violation was the  
14 proximate cause of the injury; or

15 (K) the person in committing a second violation of  
16 subsection (a) or a similar provision was transporting  
17 a person under the age of 16.

18 (2) (A) Except as provided otherwise, a person  
19 convicted of aggravated driving under the influence of  
20 alcohol, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof is guilty of a Class  
22 4 felony.

23 (B) A third violation of this Section or a similar  
24 provision is a Class 2 felony. If at the time of the third  
25 violation the alcohol concentration in his or her blood,  
26 breath, or urine was 0.16 or more based on the definition

1 of blood, breath, or urine units in Section 11-501.2, a  
2 mandatory minimum of 90 days of imprisonment and a  
3 mandatory minimum fine of \$2,500 shall be imposed in  
4 addition to any other criminal or administrative sanction.  
5 If at the time of the third violation, the defendant was  
6 transporting a person under the age of 16, a mandatory fine  
7 of \$25,000 and 25 days of community service in a program  
8 benefiting children shall be imposed in addition to any  
9 other criminal or administrative sanction.

10 (C) A fourth violation of this Section or a similar  
11 provision is a Class 2 felony, for which a sentence of  
12 probation or conditional discharge may not be imposed. If  
13 at the time of the violation, the alcohol concentration in  
14 the defendant's blood, breath, or urine was 0.16 or more  
15 based on the definition of blood, breath, or urine units in  
16 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
17 be imposed in addition to any other criminal or  
18 administrative sanction. If at the time of the fourth  
19 violation, the defendant was transporting a person under  
20 the age of 16 a mandatory fine of \$25,000 and 25 days of  
21 community service in a program benefiting children shall be  
22 imposed in addition to any other criminal or administrative  
23 sanction.

24 (D) A fifth violation of this Section or a similar  
25 provision is a Class 1 felony, for which a sentence of  
26 probation or conditional discharge may not be imposed. If

1 at the time of the violation, the alcohol concentration in  
2 the defendant's blood, breath, or urine was 0.16 or more  
3 based on the definition of blood, breath, or urine units in  
4 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
5 be imposed in addition to any other criminal or  
6 administrative sanction. If at the time of the fifth  
7 violation, the defendant was transporting a person under  
8 the age of 16, a mandatory fine of \$25,000, and 25 days of  
9 community service in a program benefiting children shall be  
10 imposed in addition to any other criminal or administrative  
11 sanction.

12 (E) A sixth or subsequent violation of this Section or  
13 similar provision is a Class X felony. If at the time of  
14 the violation, the alcohol concentration in the  
15 defendant's blood, breath, or urine was 0.16 or more based  
16 on the definition of blood, breath, or urine units in  
17 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
18 be imposed in addition to any other criminal or  
19 administrative sanction. If at the time of the violation,  
20 the defendant was transporting a person under the age of  
21 16, a mandatory fine of \$25,000 and 25 days of community  
22 service in a program benefiting children shall be imposed  
23 in addition to any other criminal or administrative  
24 sanction.

25 (F) For a violation of subparagraph (C) of paragraph  
26 (1) of this subsection (d), the defendant, if sentenced to

1 a term of imprisonment, shall be sentenced to not less than  
2 one year nor more than 12 years.

3 (G) A violation of subparagraph (F) of paragraph (1) of  
4 this subsection (d) is a Class 2 felony, for which the  
5 defendant, unless the court determines that extraordinary  
6 circumstances exist and require probation, shall be  
7 sentenced to: (i) a term of imprisonment of not less than 3  
8 years and not more than 14 years if the violation resulted  
9 in the death of one person; or (ii) a term of imprisonment  
10 of not less than 6 years and not more than 28 years if the  
11 violation resulted in the deaths of 2 or more persons.

12 (H) For a violation of subparagraph (J) of paragraph  
13 (1) of this subsection (d), a mandatory fine of \$2,500, and  
14 25 days of community service in a program benefiting  
15 children shall be imposed in addition to any other criminal  
16 or administrative sanction.

17 (I) A violation of subparagraph (K) of paragraph (1) of  
18 this subsection (d), is a Class 2 felony and a mandatory  
19 fine of \$2,500, and 25 days of community service in a  
20 program benefiting children shall be imposed in addition to  
21 any other criminal or administrative sanction. If the child  
22 being transported suffered bodily harm, but not great  
23 bodily harm, in a motor vehicle accident, and the violation  
24 was the proximate cause of that injury, a mandatory fine of  
25 \$5,000 and 25 days of community service in a program  
26 benefiting children shall be imposed in addition to any

1 other criminal or administrative sanction.

2 (J) A violation of subparagraph (D) of paragraph (1) of  
3 this subsection (d) is a Class 3 felony, for which a  
4 sentence of probation or conditional discharge may not be  
5 imposed.

6 (3) Any person sentenced under this subsection (d) who  
7 receives a term of probation or conditional discharge must  
8 serve a minimum term of either 480 hours of community  
9 service or 10 days of imprisonment as a condition of the  
10 probation or conditional discharge in addition to any other  
11 criminal or administrative sanction.

12 (e) Any reference to a prior violation of subsection (a) or  
13 a similar provision includes any violation of a provision of a  
14 local ordinance or a provision of a law of another state or an  
15 offense committed on a military installation that is similar to  
16 a violation of subsection (a) of this Section.

17 (f) The imposition of a mandatory term of imprisonment or  
18 assignment of community service for a violation of this Section  
19 shall not be suspended or reduced by the court.

20 (g) Any penalty imposed for driving with a license that has  
21 been revoked for a previous violation of subsection (a) of this  
22 Section shall be in addition to the penalty imposed for any  
23 subsequent violation of subsection (a).

24 (h) For any prosecution under this Section, a certified  
25 copy of the driving abstract of the defendant shall be admitted  
26 as proof of any prior conviction.

1 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

2 (625 ILCS 5/16-107) (from Ch. 95 1/2, par. 16-107)

3 Sec. 16-107. Appearance of parent or guardian of minor in  
4 certain court proceedings - Judicial discretion.

5 (a) Whenever an unemancipated minor is required to appear  
6 in court pursuant to a citation for violation of any Section or  
7 any subsection of any Section of this Act specified in  
8 subsection (b) of this Section, the court may require that a  
9 parent or guardian of the minor accompany the minor and appear  
10 before the court with the minor, unless, in the discretion of  
11 the court, such appearance would be unreasonably burdensome  
12 under the circumstances.

13 (b) This Section shall apply whenever an unemancipated  
14 minor is charged with violation of any of the following  
15 Sections and subsections of this Act:

16 1) Sections 3-701, 3-702 and 3-703;

17 2) Sections 4-102, 4-103, 4-104 and 4-105;

18 3) Section 6-101, subsections (a), (b) and (c) of  
19 Section 6-104, and Sections 6-113, 6-301, 6-302, 6-303,  
20 6-303.5, and 6-304;

21 4) Sections 11-203 and 11-204, subsection (b) of  
22 Section 11-305, Sections 11-311, 11-312, 11-401, 11-402,  
23 11-403, 11-404, 11-407, 11-409, 11-501, 11-502, 11-503,  
24 11-504, 11-506, subsection (b) of Section 11-601, Sections  
25 11-704, 11-707, 11-1007, 11-1403, 11-1404 and subsection

1 (a) of Section 11-1414.

2 (Source: P.A. 95-310, eff. 1-1-08.)

3 (625 ILCS 5/6-303 rep.)

4 Section 15. The Illinois Vehicle Code is amended by  
5 repealing Section 6-303.

6 Section 20. The Criminal Code of 2012 is amended by  
7 changing Section 36-1 as follows:

8 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

9 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
10 with the knowledge and consent of the owner in the commission  
11 of, or in the attempt to commit as defined in Section 8-4 of  
12 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
13 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a  
14 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
15 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,  
16 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of  
17 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,  
18 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,  
19 subdivision (a)(1), (a)(2), (a)(4), (b)(1), (e)(1), (e)(2),  
20 (e)(3), (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05,  
21 paragraph (a) of Section 12-4 of this Code, paragraph (a) of  
22 Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),  
23 (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)

1 of Section 12-16 of this Code, or paragraph (a) (6) or (a) (7) of  
2 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of  
3 the Cigarette Tax Act if the vessel, vehicle or aircraft  
4 contains more than 10 cartons of such cigarettes; (c) Section  
5 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,  
6 vehicle or aircraft contains more than 10 cartons of such  
7 cigarettes; (d) Section 44 of the Environmental Protection Act;  
8 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving  
9 under the influence of alcohol or other drug or drugs,  
10 intoxicating compound or compounds or any combination thereof  
11 under Section 11-501 of the Illinois Vehicle Code during a  
12 period in which his or her driving privileges are revoked or  
13 suspended where the revocation or suspension was for driving  
14 under the influence of alcohol or other drug or drugs,  
15 intoxicating compound or compounds or any combination thereof,  
16 Section 11-501.1, paragraph (b) of Section 11-401, or for  
17 reckless homicide as defined in Section 9-3 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012; (2) driving while  
19 under the influence of alcohol, other drug or drugs,  
20 intoxicating compound or compounds or any combination thereof  
21 and has been previously convicted of reckless homicide or a  
22 similar provision of a law of another state relating to  
23 reckless homicide in which the person was determined to have  
24 been under the influence of alcohol, other drug or drugs, or  
25 intoxicating compound or compounds as an element of the offense  
26 or the person has previously been convicted of committing a

1 violation of driving under the influence of alcohol or other  
2 drug or drugs, intoxicating compound or compounds or any  
3 combination thereof and was involved in a motor vehicle  
4 accident that resulted in death, great bodily harm, or  
5 permanent disability or disfigurement to another, when the  
6 violation was a proximate cause of the death or injuries; (3)  
7 the person committed a violation of driving under the influence  
8 of alcohol or other drug or drugs, intoxicating compound or  
9 compounds or any combination thereof under Section 11-501 of  
10 the Illinois Vehicle Code or a similar provision for the third  
11 or subsequent time; (4) the person committed the violation  
12 while he or she did not possess a driver's license or permit,  
13 ~~or a restricted driving permit, or a judicial driving permit or~~  
14 a monitoring device driving permit, or an ignition interlock  
15 permit; or (5) the person committed the violation while he or  
16 she knew or should have known that the vehicle he or she was  
17 driving was not covered by a liability insurance policy; (g)  
18 the person committed a violation of Section 6-303 or 6-303.5 of  
19 this Code while the person's driver's license was suspended or  
20 revoked for (1) a violation of Section 11-501 of this Code or a  
21 similar provision of a local ordinance or a similar  
22 out-of-state offense, (2) a violation of subsection (b) of  
23 Section 11-401 of this Code, a similar provision of a local  
24 ordinance or a similar provision of another state, (3) a  
25 statutory summary suspension or revocation under Section  
26 11-501.1 of this Code or a similar provision of a law of

1 another state, or (4) a violation of Section 9-3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012 relating to  
3 the offense of reckless homicide, or a similar law of another  
4 state ~~an offense described in subsection (g) of Section 6-303~~  
5 ~~of the Illinois Vehicle Code;~~ or (h) an offense described in  
6 subsection (e) of Section 6-101 of the Illinois Vehicle Code;  
7 may be seized and delivered forthwith to the sheriff of the  
8 county of seizure.

9       Within 15 days after such delivery the sheriff shall give  
10 notice of seizure to each person according to the following  
11 method: Upon each such person whose right, title or interest is  
12 of record in the office of the Secretary of State, the  
13 Secretary of Transportation, the Administrator of the Federal  
14 Aviation Agency, or any other Department of this State, or any  
15 other state of the United States if such vessel, vehicle or  
16 aircraft is required to be so registered, as the case may be,  
17 by mailing a copy of the notice by certified mail to the  
18 address as given upon the records of the Secretary of State,  
19 the Department of Aeronautics, Department of Public Works and  
20 Buildings or any other Department of this State or the United  
21 States if such vessel, vehicle or aircraft is required to be so  
22 registered. Within that 15 day period the sheriff shall also  
23 notify the State's Attorney of the county of seizure about the  
24 seizure.

25       In addition, any mobile or portable equipment used in the  
26 commission of an act which is in violation of Section 7g of the

1 Metropolitan Water Reclamation District Act shall be subject to  
2 seizure and forfeiture under the same procedures provided in  
3 this Article for the seizure and forfeiture of vessels,  
4 vehicles and aircraft, and any such equipment shall be deemed a  
5 vessel, vehicle or aircraft for purposes of this Article.

6 When a person discharges a firearm at another individual  
7 from a vehicle with the knowledge and consent of the owner of  
8 the vehicle and with the intent to cause death or great bodily  
9 harm to that individual and as a result causes death or great  
10 bodily harm to that individual, the vehicle shall be subject to  
11 seizure and forfeiture under the same procedures provided in  
12 this Article for the seizure and forfeiture of vehicles used in  
13 violations of clauses (a), (b), (c), or (d) of this Section.

14 If the spouse of the owner of a vehicle seized for an  
15 offense described in subsection (g) of this Section ~~6-303 of~~  
16 ~~the Illinois Vehicle Code~~, a violation of subdivision  
17 (d) (1) (A), (d) (1) (D), (d) (1) (G), (d) (1) (H), or (d) (1) (I) of  
18 Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of  
19 this Code makes a showing that the seized vehicle is the only  
20 source of transportation and it is determined that the  
21 financial hardship to the family as a result of the seizure  
22 outweighs the benefit to the State from the seizure, the  
23 vehicle may be forfeited to the spouse or family member and the  
24 title to the vehicle shall be transferred to the spouse or  
25 family member who is properly licensed and who requires the use  
26 of the vehicle for employment or family transportation

1 purposes. A written declaration of forfeiture of a vehicle  
2 under this Section shall be sufficient cause for the title to  
3 be transferred to the spouse or family member. The provisions  
4 of this paragraph shall apply only to one forfeiture per  
5 vehicle. If the vehicle is the subject of a subsequent  
6 forfeiture proceeding by virtue of a subsequent conviction of  
7 either spouse or the family member, the spouse or family member  
8 to whom the vehicle was forfeited under the first forfeiture  
9 proceeding may not utilize the provisions of this paragraph in  
10 another forfeiture proceeding. If the owner of the vehicle  
11 seized owns more than one vehicle, the procedure set out in  
12 this paragraph may be used for only one vehicle.

13 Property declared contraband under Section 40 of the  
14 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
15 seized and forfeited under this Article.

16 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;  
17 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.  
18 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,  
19 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;  
20 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

21 Section 25. The Unified Code of Corrections is amended by  
22 changing Sections 5-5-3, 5-6-1, and 5-6-3 as follows:

23 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

24 Sec. 5-5-3. Disposition.

1 (a) (Blank).

2 (b) (Blank).

3 (c) (1) (Blank).

4 (2) A period of probation, a term of periodic  
5 imprisonment or conditional discharge shall not be imposed  
6 for the following offenses. The court shall sentence the  
7 offender to not less than the minimum term of imprisonment  
8 set forth in this Code for the following offenses, and may  
9 order a fine or restitution or both in conjunction with  
10 such term of imprisonment:

11 (A) First degree murder where the death penalty is  
12 not imposed.

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

15 (D) A violation of Section 401.1 or 407 of the  
16 Illinois Controlled Substances Act, or a violation of  
17 subdivision (c) (1.5) or (c) (2) of Section 401 of that  
18 Act which relates to more than 5 grams of a substance  
19 containing cocaine, fentanyl, or an analog thereof.

20 (D-5) A violation of subdivision (c) (1) of Section  
21 401 of the Illinois Controlled Substances Act which  
22 relates to 3 or more grams of a substance containing  
23 heroin or an analog thereof.

24 (E) A violation of Section 5.1 or 9 of the Cannabis  
25 Control Act.

26 (F) A Class 2 or greater felony if the offender had

1           been convicted of a Class 2 or greater felony,  
2           including any state or federal conviction for an  
3           offense that contained, at the time it was committed,  
4           the same elements as an offense now (the date of the  
5           offense committed after the prior Class 2 or greater  
6           felony) classified as a Class 2 or greater felony,  
7           within 10 years of the date on which the offender  
8           committed the offense for which he or she is being  
9           sentenced, except as otherwise provided in Section  
10          40-10 of the Alcoholism and Other Drug Abuse and  
11          Dependency Act.

12           (F-5) A violation of Section 24-1, 24-1.1, or  
13          24-1.6 of the Criminal Code of 1961 or the Criminal  
14          Code of 2012 for which imprisonment is prescribed in  
15          those Sections.

16           (G) Residential burglary, except as otherwise  
17          provided in Section 40-10 of the Alcoholism and Other  
18          Drug Abuse and Dependency Act.

19           (H) Criminal sexual assault.

20           (I) Aggravated battery of a senior citizen as  
21          described in Section 12-4.6 or subdivision (a)(4) of  
22          Section 12-3.05 of the Criminal Code of 1961 or the  
23          Criminal Code of 2012.

24           (J) A forcible felony if the offense was related to  
25          the activities of an organized gang.

26           Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5  
2 or more persons, with an established hierarchy, that  
3 encourages members of the association to perpetrate  
4 crimes or provides support to the members of the  
5 association who do commit crimes.

6 Beginning July 1, 1994, for the purposes of this  
7 paragraph, "organized gang" has the meaning ascribed  
8 to it in Section 10 of the Illinois Streetgang  
9 Terrorism Omnibus Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the  
12 offense of hate crime when the underlying offense upon  
13 which the hate crime is based is felony aggravated  
14 assault or felony mob action.

15 (M) A second or subsequent conviction for the  
16 offense of institutional vandalism if the damage to the  
17 property exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of  
19 subsection (a) of Section 2 of the Firearm Owners  
20 Identification Card Act.

21 (O) A violation of Section 12-6.1 or 12-6.5 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4),  
24 (5), or (7) of subsection (a) of Section 11-20.1 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of

1 Section 20-1, Section 20-1.2, or Section 20-1.3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 (R) A violation of Section 24-3A of the Criminal  
4 Code of 1961 or the Criminal Code of 2012.

5 (S) (Blank).

6 (T) A second or subsequent violation of the  
7 Methamphetamine Control and Community Protection Act.

8 (U) A second or subsequent violation of Section  
9 6-303 of the Illinois Vehicle Code committed while his  
10 or her driver's license, permit, or privilege was  
11 revoked because of a violation of Section 9-3 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012,  
13 relating to the offense of reckless homicide, or a  
14 similar provision of a law of another state.

15 (V) A violation of paragraph (4) of subsection (c)  
16 of Section 11-20.1B or paragraph (4) of subsection (c)  
17 of Section 11-20.3 of the Criminal Code of 1961, or  
18 paragraph (6) of subsection (a) of Section 11-20.1 of  
19 the Criminal Code of 2012 when the victim is under 13  
20 years of age and the defendant has previously been  
21 convicted under the laws of this State or any other  
22 state of the offense of child pornography, aggravated  
23 child pornography, aggravated criminal sexual abuse,  
24 aggravated criminal sexual assault, predatory criminal  
25 sexual assault of a child, or any of the offenses  
26 formerly known as rape, deviate sexual assault,

1           indecent liberties with a child, or aggravated  
2           indecent liberties with a child where the victim was  
3           under the age of 18 years or an offense that is  
4           substantially equivalent to those offenses.

5           (W) A violation of Section 24-3.5 of the Criminal  
6           Code of 1961 or the Criminal Code of 2012.

7           (X) A violation of subsection (a) of Section 31-1a  
8           of the Criminal Code of 1961 or the Criminal Code of  
9           2012.

10          (Y) A conviction for unlawful possession of a  
11          firearm by a street gang member when the firearm was  
12          loaded or contained firearm ammunition.

13          (Z) A Class 1 felony committed while he or she was  
14          serving a term of probation or conditional discharge  
15          for a felony.

16          (AA) Theft of property exceeding \$500,000 and not  
17          exceeding \$1,000,000 in value.

18          (BB) Laundering of criminally derived property of  
19          a value exceeding \$500,000.

20          (CC) Knowingly selling, offering for sale, holding  
21          for sale, or using 2,000 or more counterfeit items or  
22          counterfeit items having a retail value in the  
23          aggregate of \$500,000 or more.

24          (DD) A conviction for aggravated assault under  
25          paragraph (6) of subsection (c) of Section 12-2 of the  
26          Criminal Code of 1961 or the Criminal Code of 2012 if

1           the firearm is aimed toward the person against whom the  
2           firearm is being used.

3           (3) (Blank).

4           (4) A minimum term of imprisonment of not less than 10  
5           consecutive days or 30 days of community service shall be  
6           imposed for a first violation of paragraph (c) of Section  
7           6-303 or subsection (c) of Section 6-303.5 of the Illinois  
8           Vehicle Code.

9           (4.1) (Blank).

10          (4.2) Except as provided in paragraphs (4.3) and (4.8)  
11          of this subsection (c), a minimum of 100 hours of community  
12          service shall be imposed for a second violation of Section  
13          6-303 or subsection (a) of Section 6-303.5 of the Illinois  
14          Vehicle Code.

15          (4.3) A minimum term of imprisonment of 30 days or 300  
16          hours of community service, as determined by the court,  
17          shall be imposed for a second violation of subsection (c)  
18          of Section 6-303 or subsection (c) of Section 6-303.5 of  
19          the Illinois Vehicle Code.

20          (4.4) Except as provided in paragraphs (4.5), (4.6),  
21          (4.6.1), (4.6.2), and (4.9) of this subsection (c), a  
22          minimum term of imprisonment of 30 days or 300 hours of  
23          community service, as determined by the court, shall be  
24          imposed for a third or subsequent violation of Section  
25          6-303 or subsection (a) of Section 6-303.5 of the Illinois  
26          Vehicle Code.

1           (4.5) A minimum term of imprisonment of 30 days shall  
2 be imposed for a third violation of subsection (c) of  
3 Section 6-303 or subsection (c) of Section 6-303.5 of the  
4 Illinois Vehicle Code.

5           (4.6) ~~A Except as provided in paragraph (4.10) of this~~  
6 ~~subsection (c),~~ a minimum term of imprisonment of 180 days  
7 shall be imposed for a fourth, fifth, sixth, seventh,  
8 eight, or ninth ~~or subsequent~~ violation of subsection (c)  
9 of Section 6-303 or subsection (c) of Section 6-303.5 of  
10 the Illinois Vehicle Code.

11           (4.6.1) A mandatory prison sentence for a Class 3  
12 felony, with no probation or conditional discharge, shall  
13 be imposed for a tenth, eleventh, twelfth, thirteenth, or  
14 fourteenth violation of subsection (c) of Section 6-303 or  
15 subsection (c) of Section 6-303.5 of the Illinois Vehicle  
16 Code.

17           (4.6.2) A mandatory prison sentence for a Class 2  
18 felony, with no probation or conditional discharge, shall  
19 be imposed for a fifteenth or subsequent violation of  
20 subsection (c) of Section 6-303 or subsection (c) of  
21 Section 6-303.5 of the Illinois Vehicle Code.

22           (4.7) A minimum term of imprisonment of not less than  
23 30 consecutive days, or 300 hours of community service,  
24 shall be imposed for a violation of subsection (a-5) of  
25 Section 6-303 of the Illinois Vehicle Code, as provided in  
26 subsection (b-5) of that Section, or a violation of

1 subsection (b) of Section 6-303.5 of the Illinois Vehicle  
2 Code, as provided in subsection (b) (1) of that Section.

3 (4.8) A mandatory prison sentence shall be imposed for  
4 a second violation of subsection (a-5) of Section 6-303 of  
5 the Illinois Vehicle Code, as provided in subsection (c-5)  
6 of that Section, or a violation of subsection (b) of  
7 Section 6-303.5 of the Illinois Vehicle Code, as provided  
8 in subsection (b) (2) of that Section. The person's driving  
9 privileges shall be revoked for a period of not less than 5  
10 years from the date of his or her release from prison.

11 (4.9) A mandatory prison sentence of not less than 4  
12 and not more than 15 years shall be imposed for a third  
13 violation of subsection (a-5) of Section 6-303 of the  
14 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
15 that Section, or a violation of subsection (b) of Section  
16 6-303.5 of the Illinois Vehicle Code, as provided in  
17 subsection (b) (3) of that Section. The person's driving  
18 privileges shall be revoked for the remainder of his or her  
19 life.

20 (4.10) A mandatory prison sentence for a Class 1 felony  
21 shall be imposed, and the person shall be eligible for an  
22 extended term sentence, for a fourth or subsequent  
23 violation of subsection (a-5) of Section 6-303 of the  
24 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
25 that Section, or a violation of subsection (b) of Section  
26 6-303.5 of the Illinois Vehicle Code, as provided in

1        subsection (b)(4) of that Section. The person's driving  
2        privileges shall be revoked for the remainder of his or her  
3        life.

4                (5) The court may sentence a corporation or  
5        unincorporated association convicted of any offense to:

6                        (A) a period of conditional discharge;

7                        (B) a fine;

8                        (C) make restitution to the victim under Section  
9        5-5-6 of this Code.

10                (5.1) In addition to any other penalties imposed, and  
11        except as provided in paragraph (5.2) or (5.3), a person  
12        convicted of violating subsection (c) of Section 11-907 of  
13        the Illinois Vehicle Code shall have his or her driver's  
14        license, permit, or privileges suspended for at least 90  
15        days but not more than one year, if the violation resulted  
16        in damage to the property of another person.

17                (5.2) In addition to any other penalties imposed, and  
18        except as provided in paragraph (5.3), a person convicted  
19        of violating subsection (c) of Section 11-907 of the  
20        Illinois Vehicle Code shall have his or her driver's  
21        license, permit, or privileges suspended for at least 180  
22        days but not more than 2 years, if the violation resulted  
23        in injury to another person.

24                (5.3) In addition to any other penalties imposed, a  
25        person convicted of violating subsection (c) of Section  
26        11-907 of the Illinois Vehicle Code shall have his or her

1 driver's license, permit, or privileges suspended for 2  
2 years, if the violation resulted in the death of another  
3 person.

4 (5.4) In addition to any other penalties imposed, a  
5 person convicted of violating Section 3-707 of the Illinois  
6 Vehicle Code shall have his or her driver's license,  
7 permit, or privileges suspended for 3 months and until he  
8 or she has paid a reinstatement fee of \$100.

9 (5.5) In addition to any other penalties imposed, a  
10 person convicted of violating Section 3-707 of the Illinois  
11 Vehicle Code during a period in which his or her driver's  
12 license, permit, or privileges were suspended for a  
13 previous violation of that Section shall have his or her  
14 driver's license, permit, or privileges suspended for an  
15 additional 6 months after the expiration of the original  
16 3-month suspension and until he or she has paid a  
17 reinstatement fee of \$100.

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

21 (9) A defendant convicted of a second or subsequent  
22 offense of ritualized abuse of a child may be sentenced to  
23 a term of natural life imprisonment.

24 (10) (Blank).

25 (11) The court shall impose a minimum fine of \$1,000  
26 for a first offense and \$2,000 for a second or subsequent

1 offense upon a person convicted of or placed on supervision  
2 for battery when the individual harmed was a sports  
3 official or coach at any level of competition and the act  
4 causing harm to the sports official or coach occurred  
5 within an athletic facility or within the immediate  
6 vicinity of the athletic facility at which the sports  
7 official or coach was an active participant of the athletic  
8 contest held at the athletic facility. For the purposes of  
9 this paragraph (11), "sports official" means a person at an  
10 athletic contest who enforces the rules of the contest,  
11 such as an umpire or referee; "athletic facility" means an  
12 indoor or outdoor playing field or recreational area where  
13 sports activities are conducted; and "coach" means a person  
14 recognized as a coach by the sanctioning authority that  
15 conducted the sporting event.

16 (12) A person may not receive a disposition of court  
17 supervision for a violation of Section 5-16 of the Boat  
18 Registration and Safety Act if that person has previously  
19 received a disposition of court supervision for a violation  
20 of that Section.

21 (13) A person convicted of or placed on court  
22 supervision for an assault or aggravated assault when the  
23 victim and the offender are family or household members as  
24 defined in Section 103 of the Illinois Domestic Violence  
25 Act of 1986 or convicted of domestic battery or aggravated  
26 domestic battery may be required to attend a Partner Abuse

1 Intervention Program under protocols set forth by the  
2 Illinois Department of Human Services under such terms and  
3 conditions imposed by the court. The costs of such classes  
4 shall be paid by the offender.

5 (d) In any case in which a sentence originally imposed is  
6 vacated, the case shall be remanded to the trial court. The  
7 trial court shall hold a hearing under Section 5-4-1 of the  
8 Unified Code of Corrections which may include evidence of the  
9 defendant's life, moral character and occupation during the  
10 time since the original sentence was passed. The trial court  
11 shall then impose sentence upon the defendant. The trial court  
12 may impose any sentence which could have been imposed at the  
13 original trial subject to Section 5-5-4 of the Unified Code of  
14 Corrections. If a sentence is vacated on appeal or on  
15 collateral attack due to the failure of the trier of fact at  
16 trial to determine beyond a reasonable doubt the existence of a  
17 fact (other than a prior conviction) necessary to increase the  
18 punishment for the offense beyond the statutory maximum  
19 otherwise applicable, either the defendant may be re-sentenced  
20 to a term within the range otherwise provided or, if the State  
21 files notice of its intention to again seek the extended  
22 sentence, the defendant shall be afforded a new trial.

23 (e) In cases where prosecution for aggravated criminal  
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012 results in conviction  
26 of a defendant who was a family member of the victim at the

1 time of the commission of the offense, the court shall consider  
2 the safety and welfare of the victim and may impose a sentence  
3 of probation only where:

4 (1) the court finds (A) or (B) or both are appropriate:

5 (A) the defendant is willing to undergo a court  
6 approved counseling program for a minimum duration of 2  
7 years; or

8 (B) the defendant is willing to participate in a  
9 court approved plan including but not limited to the  
10 defendant's:

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

13 (iii) continued financial support of the  
14 family;

15 (iv) restitution for harm done to the victim;

16 and

17 (v) compliance with any other measures that  
18 the court may deem appropriate; and

19 (2) the court orders the defendant to pay for the  
20 victim's counseling services, to the extent that the court  
21 finds, after considering the defendant's income and  
22 assets, that the defendant is financially capable of paying  
23 for such services, if the victim was under 18 years of age  
24 at the time the offense was committed and requires  
25 counseling as a result of the offense.

26 Probation may be revoked or modified pursuant to Section

1 5-6-4; except where the court determines at the hearing that  
2 the defendant violated a condition of his or her probation  
3 restricting contact with the victim or other family members or  
4 commits another offense with the victim or other family  
5 members, the court shall revoke the defendant's probation and  
6 impose a term of imprisonment.

7 For the purposes of this Section, "family member" and  
8 "victim" shall have the meanings ascribed to them in Section  
9 11-0.1 of the Criminal Code of 2012.

10 (f) (Blank).

11 (g) Whenever a defendant is convicted of an offense under  
12 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
13 11-14.3, 11-14.4 except for an offense that involves keeping a  
14 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
15 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
16 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, the defendant shall undergo medical  
18 testing to determine whether the defendant has any sexually  
19 transmissible disease, including a test for infection with  
20 human immunodeficiency virus (HIV) or any other identified  
21 causative agent of acquired immunodeficiency syndrome (AIDS).  
22 Any such medical test shall be performed only by appropriately  
23 licensed medical practitioners and may include an analysis of  
24 any bodily fluids as well as an examination of the defendant's  
25 person. Except as otherwise provided by law, the results of  
26 such test shall be kept strictly confidential by all medical

1 personnel involved in the testing and must be personally  
2 delivered in a sealed envelope to the judge of the court in  
3 which the conviction was entered for the judge's inspection in  
4 camera. Acting in accordance with the best interests of the  
5 victim and the public, the judge shall have the discretion to  
6 determine to whom, if anyone, the results of the testing may be  
7 revealed. The court shall notify the defendant of the test  
8 results. The court shall also notify the victim if requested by  
9 the victim, and if the victim is under the age of 15 and if  
10 requested by the victim's parents or legal guardian, the court  
11 shall notify the victim's parents or legal guardian of the test  
12 results. The court shall provide information on the  
13 availability of HIV testing and counseling at Department of  
14 Public Health facilities to all parties to whom the results of  
15 the testing are revealed and shall direct the State's Attorney  
16 to provide the information to the victim when possible. A  
17 State's Attorney may petition the court to obtain the results  
18 of any HIV test administered under this Section, and the court  
19 shall grant the disclosure if the State's Attorney shows it is  
20 relevant in order to prosecute a charge of criminal  
21 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 against the  
23 defendant. The court shall order that the cost of any such test  
24 shall be paid by the county and may be taxed as costs against  
25 the convicted defendant.

26 (g-5) When an inmate is tested for an airborne communicable

1 disease, as determined by the Illinois Department of Public  
2 Health including but not limited to tuberculosis, the results  
3 of the test shall be personally delivered by the warden or his  
4 or her designee in a sealed envelope to the judge of the court  
5 in which the inmate must appear for the judge's inspection in  
6 camera if requested by the judge. Acting in accordance with the  
7 best interests of those in the courtroom, the judge shall have  
8 the discretion to determine what if any precautions need to be  
9 taken to prevent transmission of the disease in the courtroom.

10 (h) Whenever a defendant is convicted of an offense under  
11 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
12 defendant shall undergo medical testing to determine whether  
13 the defendant has been exposed to human immunodeficiency virus  
14 (HIV) or any other identified causative agent of acquired  
15 immunodeficiency syndrome (AIDS). Except as otherwise provided  
16 by law, the results of such test shall be kept strictly  
17 confidential by all medical personnel involved in the testing  
18 and must be personally delivered in a sealed envelope to the  
19 judge of the court in which the conviction was entered for the  
20 judge's inspection in camera. Acting in accordance with the  
21 best interests of the public, the judge shall have the  
22 discretion to determine to whom, if anyone, the results of the  
23 testing may be revealed. The court shall notify the defendant  
24 of a positive test showing an infection with the human  
25 immunodeficiency virus (HIV). The court shall provide  
26 information on the availability of HIV testing and counseling

1 at Department of Public Health facilities to all parties to  
2 whom the results of the testing are revealed and shall direct  
3 the State's Attorney to provide the information to the victim  
4 when possible. A State's Attorney may petition the court to  
5 obtain the results of any HIV test administered under this  
6 Section, and the court shall grant the disclosure if the  
7 State's Attorney shows it is relevant in order to prosecute a  
8 charge of criminal transmission of HIV under Section 12-5.01 or  
9 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
10 2012 against the defendant. The court shall order that the cost  
11 of any such test shall be paid by the county and may be taxed as  
12 costs against the convicted defendant.

13 (i) All fines and penalties imposed under this Section for  
14 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
15 Vehicle Code, or a similar provision of a local ordinance, and  
16 any violation of the Child Passenger Protection Act, or a  
17 similar provision of a local ordinance, shall be collected and  
18 disbursed by the circuit clerk as provided under Section 27.5  
19 of the Clerks of Courts Act.

20 (j) In cases when prosecution for any violation of Section  
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
22 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
23 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
24 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
25 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012, any violation of the Illinois Controlled

1 Substances Act, any violation of the Cannabis Control Act, or  
2 any violation of the Methamphetamine Control and Community  
3 Protection Act results in conviction, a disposition of court  
4 supervision, or an order of probation granted under Section 10  
5 of the Cannabis Control Act, Section 410 of the Illinois  
6 Controlled Substance Act, or Section 70 of the Methamphetamine  
7 Control and Community Protection Act of a defendant, the court  
8 shall determine whether the defendant is employed by a facility  
9 or center as defined under the Child Care Act of 1969, a public  
10 or private elementary or secondary school, or otherwise works  
11 with children under 18 years of age on a daily basis. When a  
12 defendant is so employed, the court shall order the Clerk of  
13 the Court to send a copy of the judgment of conviction or order  
14 of supervision or probation to the defendant's employer by  
15 certified mail. If the employer of the defendant is a school,  
16 the Clerk of the Court shall direct the mailing of a copy of  
17 the judgment of conviction or order of supervision or probation  
18 to the appropriate regional superintendent of schools. The  
19 regional superintendent of schools shall notify the State Board  
20 of Education of any notification under this subsection.

21 (j-5) A defendant at least 17 years of age who is convicted  
22 of a felony and who has not been previously convicted of a  
23 misdemeanor or felony and who is sentenced to a term of  
24 imprisonment in the Illinois Department of Corrections shall as  
25 a condition of his or her sentence be required by the court to  
26 attend educational courses designed to prepare the defendant

1 for a high school diploma and to work toward a high school  
2 diploma or to work toward passing the high school level Test of  
3 General Educational Development (GED) or to work toward  
4 completing a vocational training program offered by the  
5 Department of Corrections. If a defendant fails to complete the  
6 educational training required by his or her sentence during the  
7 term of incarceration, the Prisoner Review Board shall, as a  
8 condition of mandatory supervised release, require the  
9 defendant, at his or her own expense, to pursue a course of  
10 study toward a high school diploma or passage of the GED test.  
11 The Prisoner Review Board shall revoke the mandatory supervised  
12 release of a defendant who wilfully fails to comply with this  
13 subsection (j-5) upon his or her release from confinement in a  
14 penal institution while serving a mandatory supervised release  
15 term; however, the inability of the defendant after making a  
16 good faith effort to obtain financial aid or pay for the  
17 educational training shall not be deemed a wilful failure to  
18 comply. The Prisoner Review Board shall recommit the defendant  
19 whose mandatory supervised release term has been revoked under  
20 this subsection (j-5) as provided in Section 3-3-9. This  
21 subsection (j-5) does not apply to a defendant who has a high  
22 school diploma or has successfully passed the GED test. This  
23 subsection (j-5) does not apply to a defendant who is  
24 determined by the court to be developmentally disabled or  
25 otherwise mentally incapable of completing the educational or  
26 vocational program.

1 (k) (Blank).

2 (l) (A) Except as provided in paragraph (C) of subsection  
3 (l), whenever a defendant, who is an alien as defined by  
4 the Immigration and Nationality Act, is convicted of any  
5 felony or misdemeanor offense, the court after sentencing  
6 the defendant may, upon motion of the State's Attorney,  
7 hold sentence in abeyance and remand the defendant to the  
8 custody of the Attorney General of the United States or his  
9 or her designated agent to be deported when:

10 (1) a final order of deportation has been issued  
11 against the defendant pursuant to proceedings under  
12 the Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not  
14 deprecate the seriousness of the defendant's conduct  
15 and would not be inconsistent with the ends of justice.

16 Otherwise, the defendant shall be sentenced as  
17 provided in this Chapter V.

18 (B) If the defendant has already been sentenced for a  
19 felony or misdemeanor offense, or has been placed on  
20 probation under Section 10 of the Cannabis Control Act,  
21 Section 410 of the Illinois Controlled Substances Act, or  
22 Section 70 of the Methamphetamine Control and Community  
23 Protection Act, the court may, upon motion of the State's  
24 Attorney to suspend the sentence imposed, commit the  
25 defendant to the custody of the Attorney General of the  
26 United States or his or her designated agent when:

1           (1) a final order of deportation has been issued  
2           against the defendant pursuant to proceedings under  
3           the Immigration and Nationality Act, and

4           (2) the deportation of the defendant would not  
5           deprecate the seriousness of the defendant's conduct  
6           and would not be inconsistent with the ends of justice.

7           (C) This subsection (1) does not apply to offenders who  
8           are subject to the provisions of paragraph (2) of  
9           subsection (a) of Section 3-6-3.

10          (D) Upon motion of the State's Attorney, if a defendant  
11          sentenced under this Section returns to the jurisdiction of  
12          the United States, the defendant shall be recommitted to  
13          the custody of the county from which he or she was  
14          sentenced. Thereafter, the defendant shall be brought  
15          before the sentencing court, which may impose any sentence  
16          that was available under Section 5-5-3 at the time of  
17          initial sentencing. In addition, the defendant shall not be  
18          eligible for additional sentence credit for good conduct as  
19          provided under Section 3-6-3.

20          (m) A person convicted of criminal defacement of property  
21          under Section 21-1.3 of the Criminal Code of 1961 or the  
22          Criminal Code of 2012, in which the property damage exceeds  
23          \$300 and the property damaged is a school building, shall be  
24          ordered to perform community service that may include cleanup,  
25          removal, or painting over the defacement.

26          (n) The court may sentence a person convicted of a

1 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
2 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
3 of 1961 or the Criminal Code of 2012 (i) to an impact  
4 incarceration program if the person is otherwise eligible for  
5 that program under Section 5-8-1.1, (ii) to community service,  
6 or (iii) if the person is an addict or alcoholic, as defined in  
7 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
8 substance or alcohol abuse program licensed under that Act.

9 (o) Whenever a person is convicted of a sex offense as  
10 defined in Section 2 of the Sex Offender Registration Act, the  
11 defendant's driver's license or permit shall be subject to  
12 renewal on an annual basis in accordance with the provisions of  
13 license renewal established by the Secretary of State.

14 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
15 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
16 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
17 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
18 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.  
19 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
20 eff. 1-25-13.)

21 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

22 (Text of Section before amendment by P.A. 97-831)

23 Sec. 5-6-1. Sentences of Probation and of Conditional  
24 Discharge and Disposition of Supervision. The General Assembly  
25 finds that in order to protect the public, the criminal justice

1 system must compel compliance with the conditions of probation  
2 by responding to violations with swift, certain and fair  
3 punishments and intermediate sanctions. The Chief Judge of each  
4 circuit shall adopt a system of structured, intermediate  
5 sanctions for violations of the terms and conditions of a  
6 sentence of probation, conditional discharge or disposition of  
7 supervision.

8 (a) Except where specifically prohibited by other  
9 provisions of this Code, the court shall impose a sentence of  
10 probation or conditional discharge upon an offender unless,  
11 having regard to the nature and circumstance of the offense,  
12 and to the history, character and condition of the offender,  
13 the court is of the opinion that:

14 (1) his imprisonment or periodic imprisonment is  
15 necessary for the protection of the public; or

16 (2) probation or conditional discharge would deprecate  
17 the seriousness of the offender's conduct and would be  
18 inconsistent with the ends of justice; or

19 (3) a combination of imprisonment with concurrent or  
20 consecutive probation when an offender has been admitted  
21 into a drug court program under Section 20 of the Drug  
22 Court Treatment Act is necessary for the protection of the  
23 public and for the rehabilitation of the offender.

24 The court shall impose as a condition of a sentence of  
25 probation, conditional discharge, or supervision, that the  
26 probation agency may invoke any sanction from the list of

1 intermediate sanctions adopted by the chief judge of the  
2 circuit court for violations of the terms and conditions of the  
3 sentence of probation, conditional discharge, or supervision,  
4 subject to the provisions of Section 5-6-4 of this Act.

5 (b) The court may impose a sentence of conditional  
6 discharge for an offense if the court is of the opinion that  
7 neither a sentence of imprisonment nor of periodic imprisonment  
8 nor of probation supervision is appropriate.

9 (b-1) Subsections (a) and (b) of this Section do not apply  
10 to a defendant charged with a misdemeanor or felony under the  
11 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012 if the  
13 defendant within the past 12 months has been convicted of or  
14 pleaded guilty to a misdemeanor or felony under the Illinois  
15 Vehicle Code or reckless homicide under Section 9-3 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (c) The court may, upon a plea of guilty or a stipulation  
18 by the defendant of the facts supporting the charge or a  
19 finding of guilt, defer further proceedings and the imposition  
20 of a sentence, and enter an order for supervision of the  
21 defendant, if the defendant is not charged with: (i) a Class A  
22 misdemeanor, as defined by the following provisions of the  
23 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
24 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
25 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
26 paragraph (1) through (5), (8), (10), and (11) of subsection

1 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
2 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
3 Act; or (iii) a felony. If the defendant is not barred from  
4 receiving an order for supervision as provided in this  
5 subsection, the court may enter an order for supervision after  
6 considering the circumstances of the offense, and the history,  
7 character and condition of the offender, if the court is of the  
8 opinion that:

9 (1) the offender is not likely to commit further  
10 crimes;

11 (2) the defendant and the public would be best served  
12 if the defendant were not to receive a criminal record; and

13 (3) in the best interests of justice an order of  
14 supervision is more appropriate than a sentence otherwise  
15 permitted under this Code.

16 (c-5) Subsections (a), (b), and (c) of this Section do not  
17 apply to a defendant charged with a second or subsequent  
18 violation of Section 6-303, 6-303.5, or a combination thereof  
19 of the Illinois Vehicle Code committed while his or her  
20 driver's license, permit or privileges were revoked because of  
21 a violation of Section 9-3 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, relating to the offense of reckless  
23 homicide, or a similar provision of a law of another state.

24 (d) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 11-501 of the Illinois  
26 Vehicle Code or a similar provision of a local ordinance when

1 the defendant has previously been:

2 (1) convicted for a violation of Section 11-501 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance or any similar law or ordinance of another state;  
5 or

6 (2) assigned supervision for a violation of Section  
7 11-501 of the Illinois Vehicle Code or a similar provision  
8 of a local ordinance or any similar law or ordinance of  
9 another state; or

10 (3) pleaded guilty to or stipulated to the facts  
11 supporting a charge or a finding of guilty to a violation  
12 of Section 11-503 of the Illinois Vehicle Code or a similar  
13 provision of a local ordinance or any similar law or  
14 ordinance of another state, and the plea or stipulation was  
15 the result of a plea agreement.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (e) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Section 16-25 or 16A-3 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 if said  
22 defendant has within the last 5 years been:

23 (1) convicted for a violation of Section 16-25 or 16A-3  
24 of the Criminal Code of 1961 or the Criminal Code of 2012;  
25 or

26 (2) assigned supervision for a violation of Section

1 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012.

3 The court shall consider the statement of the prosecuting  
4 authority with regard to the standards set forth in this  
5 Section.

6 (f) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Sections 15-111, 15-112,  
8 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
9 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
10 similar provision of a local ordinance.

11 (g) Except as otherwise provided in paragraph (i) of this  
12 Section, the provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating Section 3-707, 3-708, 3-710,  
14 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
15 of a local ordinance if the defendant has within the last 5  
16 years been:

17 (1) convicted for a violation of Section 3-707, 3-708,  
18 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
19 provision of a local ordinance; or

20 (2) assigned supervision for a violation of Section  
21 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
22 Code or a similar provision of a local ordinance.

23 The court shall consider the statement of the prosecuting  
24 authority with regard to the standards set forth in this  
25 Section.

26 (h) The provisions of paragraph (c) shall not apply to a

1 defendant under the age of 21 years charged with violating a  
2 serious traffic offense as defined in Section 1-187.001 of the  
3 Illinois Vehicle Code:

4 (1) unless the defendant, upon payment of the fines,  
5 penalties, and costs provided by law, agrees to attend and  
6 successfully complete a traffic safety program approved by  
7 the court under standards set by the Conference of Chief  
8 Circuit Judges. The accused shall be responsible for  
9 payment of any traffic safety program fees. If the accused  
10 fails to file a certificate of successful completion on or  
11 before the termination date of the supervision order, the  
12 supervision shall be summarily revoked and conviction  
13 entered. The provisions of Supreme Court Rule 402 relating  
14 to pleas of guilty do not apply in cases when a defendant  
15 enters a guilty plea under this provision; or

16 (2) if the defendant has previously been sentenced  
17 under the provisions of paragraph (c) on or after January  
18 1, 1998 for any serious traffic offense as defined in  
19 Section 1-187.001 of the Illinois Vehicle Code.

20 (h-1) The provisions of paragraph (c) shall not apply to a  
21 defendant under the age of 21 years charged with an offense  
22 against traffic regulations governing the movement of vehicles  
23 or any violation of Section 6-107 or Section 12-603.1 of the  
24 Illinois Vehicle Code, unless the defendant, upon payment of  
25 the fines, penalties, and costs provided by law, agrees to  
26 attend and successfully complete a traffic safety program

1 approved by the court under standards set by the Conference of  
2 Chief Circuit Judges. The accused shall be responsible for  
3 payment of any traffic safety program fees. If the accused  
4 fails to file a certificate of successful completion on or  
5 before the termination date of the supervision order, the  
6 supervision shall be summarily revoked and conviction entered.  
7 The provisions of Supreme Court Rule 402 relating to pleas of  
8 guilty do not apply in cases when a defendant enters a guilty  
9 plea under this provision.

10 (i) The provisions of paragraph (c) shall not apply to a  
11 defendant charged with violating Section 3-707 of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance if the  
13 defendant has been assigned supervision for a violation of  
14 Section 3-707 of the Illinois Vehicle Code or a similar  
15 provision of a local ordinance.

16 (j) The provisions of paragraph (c) shall not apply to a  
17 defendant charged with violating Section 6-303 or 6-303.5 of  
18 the Illinois Vehicle Code or a similar provision of a local  
19 ordinance when the revocation or suspension was for a violation  
20 of Section 11-501 or a similar provision of a local ordinance  
21 or a violation of Section 11-501.1 or paragraph (b) of Section  
22 11-401 of the Illinois Vehicle Code if the defendant has within  
23 the last 10 years been:

24 (1) convicted for a violation of Section 6-303 or  
25 6-303.5 of the Illinois Vehicle Code or a similar provision  
26 of a local ordinance; or

1           (2) assigned supervision for a violation of Section  
2           6-303 or 6-303.5 of the Illinois Vehicle Code or a similar  
3           provision of a local ordinance.

4           (k) The provisions of paragraph (c) shall not apply to a  
5           defendant charged with violating any provision of the Illinois  
6           Vehicle Code or a similar provision of a local ordinance that  
7           governs the movement of vehicles if, within the 12 months  
8           preceding the date of the defendant's arrest, the defendant has  
9           been assigned court supervision on 2 occasions for a violation  
10          that governs the movement of vehicles under the Illinois  
11          Vehicle Code or a similar provision of a local ordinance. The  
12          provisions of this paragraph (k) do not apply to a defendant  
13          charged with violating Section 11-501 of the Illinois Vehicle  
14          Code or a similar provision of a local ordinance.

15          (l) A defendant charged with violating any provision of the  
16          Illinois Vehicle Code or a similar provision of a local  
17          ordinance who receives a disposition of supervision under  
18          subsection (c) shall pay an additional fee of \$29, to be  
19          collected as provided in Sections 27.5 and 27.6 of the Clerks  
20          of Courts Act. In addition to the \$29 fee, the person shall  
21          also pay a fee of \$6, which, if not waived by the court, shall  
22          be collected as provided in Sections 27.5 and 27.6 of the  
23          Clerks of Courts Act. The \$29 fee shall be disbursed as  
24          provided in Section 16-104c of the Illinois Vehicle Code. If  
25          the \$6 fee is collected, \$5.50 of the fee shall be deposited  
26          into the Circuit Court Clerk Operation and Administrative Fund

1 created by the Clerk of the Circuit Court and 50 cents of the  
2 fee shall be deposited into the Prisoner Review Board Vehicle  
3 and Equipment Fund in the State treasury.

4 (m) Any person convicted of, pleading guilty to, or placed  
5 on supervision for a serious traffic violation, as defined in  
6 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
7 Section 11-501 of the Illinois Vehicle Code, or a violation of  
8 a similar provision of a local ordinance shall pay an  
9 additional fee of \$35, to be disbursed as provided in Section  
10 16-104d of that Code.

11 This subsection (m) becomes inoperative 7 years after  
12 October 13, 2007 (the effective date of Public Act 95-154).

13 (n) The provisions of paragraph (c) shall not apply to any  
14 person under the age of 18 who commits an offense against  
15 traffic regulations governing the movement of vehicles or any  
16 violation of Section 6-107 or Section 12-603.1 of the Illinois  
17 Vehicle Code, except upon personal appearance of the defendant  
18 in court and upon the written consent of the defendant's parent  
19 or legal guardian, executed before the presiding judge. The  
20 presiding judge shall have the authority to waive this  
21 requirement upon the showing of good cause by the defendant.

22 (o) The provisions of paragraph (c) shall not apply to a  
23 defendant charged with violating Section 6-303 of the Illinois  
24 Vehicle Code or a similar provision of a local ordinance when  
25 the suspension was for a violation of Section 11-501.1 of the  
26 Illinois Vehicle Code and when:

1 (1) at the time of the violation of Section 11-501.1 of  
2 the Illinois Vehicle Code, the defendant was a first  
3 offender pursuant to Section 11-500 of the Illinois Vehicle  
4 Code and the defendant failed to obtain a monitoring device  
5 driving permit; or

6 (2) at the time of the violation of Section 11-501.1 of  
7 the Illinois Vehicle Code, the defendant was a first  
8 offender pursuant to Section 11-500 of the Illinois Vehicle  
9 Code, had subsequently obtained a monitoring device  
10 driving permit, but was driving a vehicle not equipped with  
11 a breath alcohol ignition interlock device as defined in  
12 Section 1-129.1 of the Illinois Vehicle Code.

13 (p) The provisions of paragraph (c) shall not apply to a  
14 defendant charged with violating subsection (b) of Section  
15 11-601.5 of the Illinois Vehicle Code or a similar provision of  
16 a local ordinance.

17 (r) The provisions of subsection (c) of this Section shall  
18 not apply to a defendant charged with violating Section 6-303.5  
19 of the Illinois Vehicle Code or a similar provision of a local  
20 ordinance when the defendant was eligible for, but failed to  
21 obtain, an ignition interlock permit or had obtained an  
22 ignition interlock permit, but was driving a vehicle not  
23 equipped with a breath alcohol ignition interlock device as  
24 defined in Section 1-129.1 of the Illinois Vehicle Code.

25 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;  
26 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.

1 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,  
2 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;  
3 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

4 (Text of Section after amendment by P.A. 97-831)

5 Sec. 5-6-1. Sentences of Probation and of Conditional  
6 Discharge and Disposition of Supervision. The General Assembly  
7 finds that in order to protect the public, the criminal justice  
8 system must compel compliance with the conditions of probation  
9 by responding to violations with swift, certain and fair  
10 punishments and intermediate sanctions. The Chief Judge of each  
11 circuit shall adopt a system of structured, intermediate  
12 sanctions for violations of the terms and conditions of a  
13 sentence of probation, conditional discharge or disposition of  
14 supervision.

15 (a) Except where specifically prohibited by other  
16 provisions of this Code, the court shall impose a sentence of  
17 probation or conditional discharge upon an offender unless,  
18 having regard to the nature and circumstance of the offense,  
19 and to the history, character and condition of the offender,  
20 the court is of the opinion that:

21 (1) his imprisonment or periodic imprisonment is  
22 necessary for the protection of the public; or

23 (2) probation or conditional discharge would deprecate  
24 the seriousness of the offender's conduct and would be  
25 inconsistent with the ends of justice; or

1           (3) a combination of imprisonment with concurrent or  
2           consecutive probation when an offender has been admitted  
3           into a drug court program under Section 20 of the Drug  
4           Court Treatment Act is necessary for the protection of the  
5           public and for the rehabilitation of the offender.

6           The court shall impose as a condition of a sentence of  
7           probation, conditional discharge, or supervision, that the  
8           probation agency may invoke any sanction from the list of  
9           intermediate sanctions adopted by the chief judge of the  
10          circuit court for violations of the terms and conditions of the  
11          sentence of probation, conditional discharge, or supervision,  
12          subject to the provisions of Section 5-6-4 of this Act.

13          (b) The court may impose a sentence of conditional  
14          discharge for an offense if the court is of the opinion that  
15          neither a sentence of imprisonment nor of periodic imprisonment  
16          nor of probation supervision is appropriate.

17          (b-1) Subsections (a) and (b) of this Section do not apply  
18          to a defendant charged with a misdemeanor or felony under the  
19          Illinois Vehicle Code or reckless homicide under Section 9-3 of  
20          the Criminal Code of 1961 or the Criminal Code of 2012 if the  
21          defendant within the past 12 months has been convicted of or  
22          pleaded guilty to a misdemeanor or felony under the Illinois  
23          Vehicle Code or reckless homicide under Section 9-3 of the  
24          Criminal Code of 1961 or the Criminal Code of 2012.

25          (c) The court may, upon a plea of guilty or a stipulation  
26          by the defendant of the facts supporting the charge or a

1 finding of guilt, defer further proceedings and the imposition  
2 of a sentence, and enter an order for supervision of the  
3 defendant, if the defendant is not charged with: (i) a Class A  
4 misdemeanor, as defined by the following provisions of the  
5 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
6 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
7 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
8 paragraph (1) through (5), (8), (10), and (11) of subsection  
9 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
10 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
11 Act; or (iii) a felony. If the defendant is not barred from  
12 receiving an order for supervision as provided in this  
13 subsection, the court may enter an order for supervision after  
14 considering the circumstances of the offense, and the history,  
15 character and condition of the offender, if the court is of the  
16 opinion that:

17 (1) the offender is not likely to commit further  
18 crimes;

19 (2) the defendant and the public would be best served  
20 if the defendant were not to receive a criminal record; and

21 (3) in the best interests of justice an order of  
22 supervision is more appropriate than a sentence otherwise  
23 permitted under this Code.

24 (c-5) Subsections (a), (b), and (c) of this Section do not  
25 apply to a defendant charged with a second or subsequent  
26 violation of Section 6-303, 6-303.5, or combination thereof of

1 the Illinois Vehicle Code committed while his or her driver's  
2 license, permit or privileges were revoked because of a  
3 violation of Section 9-3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, relating to the offense of reckless  
5 homicide, or a similar provision of a law of another state.

6 (d) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 11-501 of the Illinois  
8 Vehicle Code or a similar provision of a local ordinance when  
9 the defendant has previously been:

10 (1) convicted for a violation of Section 11-501 of the  
11 Illinois Vehicle Code or a similar provision of a local  
12 ordinance or any similar law or ordinance of another state;  
13 or

14 (2) assigned supervision for a violation of Section  
15 11-501 of the Illinois Vehicle Code or a similar provision  
16 of a local ordinance or any similar law or ordinance of  
17 another state; or

18 (3) pleaded guilty to or stipulated to the facts  
19 supporting a charge or a finding of guilty to a violation  
20 of Section 11-503 of the Illinois Vehicle Code or a similar  
21 provision of a local ordinance or any similar law or  
22 ordinance of another state, and the plea or stipulation was  
23 the result of a plea agreement.

24 The court shall consider the statement of the prosecuting  
25 authority with regard to the standards set forth in this  
26 Section.

1 (e) The provisions of paragraph (c) shall not apply to a  
2 defendant charged with violating Section 16-25 or 16A-3 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012 if said  
4 defendant has within the last 5 years been:

5 (1) convicted for a violation of Section 16-25 or 16A-3  
6 of the Criminal Code of 1961 or the Criminal Code of 2012;  
7 or

8 (2) assigned supervision for a violation of Section  
9 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012.

11 The court shall consider the statement of the prosecuting  
12 authority with regard to the standards set forth in this  
13 Section.

14 (f) The provisions of paragraph (c) shall not apply to a  
15 defendant charged with violating Sections 15-111, 15-112,  
16 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
17 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
18 similar provision of a local ordinance.

19 (g) Except as otherwise provided in paragraph (i) of this  
20 Section, the provisions of paragraph (c) shall not apply to a  
21 defendant charged with violating Section 3-707, 3-708, 3-710,  
22 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
23 of a local ordinance if the defendant has within the last 5  
24 years been:

25 (1) convicted for a violation of Section 3-707, 3-708,  
26 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance; or

2 (2) assigned supervision for a violation of Section  
3 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
4 Code or a similar provision of a local ordinance.

5 The court shall consider the statement of the prosecuting  
6 authority with regard to the standards set forth in this  
7 Section.

8 (h) The provisions of paragraph (c) shall not apply to a  
9 defendant under the age of 21 years charged with violating a  
10 serious traffic offense as defined in Section 1-187.001 of the  
11 Illinois Vehicle Code:

12 (1) unless the defendant, upon payment of the fines,  
13 penalties, and costs provided by law, agrees to attend and  
14 successfully complete a traffic safety program approved by  
15 the court under standards set by the Conference of Chief  
16 Circuit Judges. The accused shall be responsible for  
17 payment of any traffic safety program fees. If the accused  
18 fails to file a certificate of successful completion on or  
19 before the termination date of the supervision order, the  
20 supervision shall be summarily revoked and conviction  
21 entered. The provisions of Supreme Court Rule 402 relating  
22 to pleas of guilty do not apply in cases when a defendant  
23 enters a guilty plea under this provision; or

24 (2) if the defendant has previously been sentenced  
25 under the provisions of paragraph (c) on or after January  
26 1, 1998 for any serious traffic offense as defined in

1 Section 1-187.001 of the Illinois Vehicle Code.

2 (h-1) The provisions of paragraph (c) shall not apply to a  
3 defendant under the age of 21 years charged with an offense  
4 against traffic regulations governing the movement of vehicles  
5 or any violation of Section 6-107 or Section 12-603.1 of the  
6 Illinois Vehicle Code, unless the defendant, upon payment of  
7 the fines, penalties, and costs provided by law, agrees to  
8 attend and successfully complete a traffic safety program  
9 approved by the court under standards set by the Conference of  
10 Chief Circuit Judges. The accused shall be responsible for  
11 payment of any traffic safety program fees. If the accused  
12 fails to file a certificate of successful completion on or  
13 before the termination date of the supervision order, the  
14 supervision shall be summarily revoked and conviction entered.  
15 The provisions of Supreme Court Rule 402 relating to pleas of  
16 guilty do not apply in cases when a defendant enters a guilty  
17 plea under this provision.

18 (i) The provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Section 3-707 of the Illinois  
20 Vehicle Code or a similar provision of a local ordinance if the  
21 defendant has been assigned supervision for a violation of  
22 Section 3-707 of the Illinois Vehicle Code or a similar  
23 provision of a local ordinance.

24 (j) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 6-303 or 6-303.5 of  
26 the Illinois Vehicle Code or a similar provision of a local

1 ordinance when the revocation or suspension was for a violation  
2 of Section 11-501 or a similar provision of a local ordinance  
3 or a violation of Section 11-501.1 or paragraph (b) of Section  
4 11-401 of the Illinois Vehicle Code if the defendant has within  
5 the last 10 years been:

6 (1) convicted for a violation of Section 6-303 or  
7 6-303.5 of the Illinois Vehicle Code or a similar provision  
8 of a local ordinance; or

9 (2) assigned supervision for a violation of Section  
10 6-303 or 6-303.5 of the Illinois Vehicle Code or a similar  
11 provision of a local ordinance.

12 (k) The provisions of paragraph (c) shall not apply to a  
13 defendant charged with violating any provision of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance that  
15 governs the movement of vehicles if, within the 12 months  
16 preceding the date of the defendant's arrest, the defendant has  
17 been assigned court supervision on 2 occasions for a violation  
18 that governs the movement of vehicles under the Illinois  
19 Vehicle Code or a similar provision of a local ordinance. The  
20 provisions of this paragraph (k) do not apply to a defendant  
21 charged with violating Section 11-501 of the Illinois Vehicle  
22 Code or a similar provision of a local ordinance.

23 (l) A defendant charged with violating any provision of the  
24 Illinois Vehicle Code or a similar provision of a local  
25 ordinance who receives a disposition of supervision under  
26 subsection (c) shall pay an additional fee of \$29, to be

1 collected as provided in Sections 27.5 and 27.6 of the Clerks  
2 of Courts Act. In addition to the \$29 fee, the person shall  
3 also pay a fee of \$6, which, if not waived by the court, shall  
4 be collected as provided in Sections 27.5 and 27.6 of the  
5 Clerks of Courts Act. The \$29 fee shall be disbursed as  
6 provided in Section 16-104c of the Illinois Vehicle Code. If  
7 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
8 into the Circuit Court Clerk Operation and Administrative Fund  
9 created by the Clerk of the Circuit Court and 50 cents of the  
10 fee shall be deposited into the Prisoner Review Board Vehicle  
11 and Equipment Fund in the State treasury.

12 (m) Any person convicted of, pleading guilty to, or placed  
13 on supervision for a serious traffic violation, as defined in  
14 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
15 Section 11-501 of the Illinois Vehicle Code, or a violation of  
16 a similar provision of a local ordinance shall pay an  
17 additional fee of \$35, to be disbursed as provided in Section  
18 16-104d of that Code.

19 This subsection (m) becomes inoperative 7 years after  
20 October 13, 2007 (the effective date of Public Act 95-154).

21 (n) The provisions of paragraph (c) shall not apply to any  
22 person under the age of 18 who commits an offense against  
23 traffic regulations governing the movement of vehicles or any  
24 violation of Section 6-107 or Section 12-603.1 of the Illinois  
25 Vehicle Code, except upon personal appearance of the defendant  
26 in court and upon the written consent of the defendant's parent

1 or legal guardian, executed before the presiding judge. The  
2 presiding judge shall have the authority to waive this  
3 requirement upon the showing of good cause by the defendant.

4 (o) The provisions of paragraph (c) shall not apply to a  
5 defendant charged with violating Section 6-303 of the Illinois  
6 Vehicle Code or a similar provision of a local ordinance when  
7 the suspension was for a violation of Section 11-501.1 of the  
8 Illinois Vehicle Code and when:

9 (1) at the time of the violation of Section 11-501.1 of  
10 the Illinois Vehicle Code, the defendant was a first  
11 offender pursuant to Section 11-500 of the Illinois Vehicle  
12 Code and the defendant failed to obtain a monitoring device  
13 driving permit; or

14 (2) at the time of the violation of Section 11-501.1 of  
15 the Illinois Vehicle Code, the defendant was a first  
16 offender pursuant to Section 11-500 of the Illinois Vehicle  
17 Code, had subsequently obtained a monitoring device  
18 driving permit, but was driving a vehicle not equipped with  
19 a breath alcohol ignition interlock device as defined in  
20 Section 1-129.1 of the Illinois Vehicle Code.

21 (p) The provisions of paragraph (c) shall not apply to a  
22 defendant charged with violating Section 11-601.5 of the  
23 Illinois Vehicle Code or a similar provision of a local  
24 ordinance.

25 (q) The provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating subsection (b) of Section

1 11-601 of the Illinois Vehicle Code when the defendant was  
2 operating a vehicle, in an urban district, at a speed in excess  
3 of 25 miles per hour over the posted speed limit.

4 (r) The provisions of subsection (c) of this Section shall  
5 not apply to a defendant charged with violating Section 6-303.5  
6 of the Illinois Vehicle Code or a similar provision of a local  
7 ordinance when the defendant was eligible for, but failed to  
8 obtain, an ignition interlock permit or had obtained an  
9 ignition interlock permit, but was driving a vehicle not  
10 equipped with a breath alcohol ignition interlock device as  
11 defined in Section 1-129.1 of the Illinois Vehicle Code.

12 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;  
13 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.  
14 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,  
15 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12; 97-831,  
16 eff. 7-1-13; 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

18 Sec. 5-6-3. Conditions of Probation and of Conditional  
19 Discharge.

20 (a) The conditions of probation and of conditional  
21 discharge shall be that the person:

22 (1) not violate any criminal statute of any  
23 jurisdiction;

24 (2) report to or appear in person before such person or  
25 agency as directed by the court;

1           (3) refrain from possessing a firearm or other  
2 dangerous weapon where the offense is a felony or, if a  
3 misdemeanor, the offense involved the intentional or  
4 knowing infliction of bodily harm or threat of bodily harm;

5           (4) not leave the State without the consent of the  
6 court or, in circumstances in which the reason for the  
7 absence is of such an emergency nature that prior consent  
8 by the court is not possible, without the prior  
9 notification and approval of the person's probation  
10 officer. Transfer of a person's probation or conditional  
11 discharge supervision to another state is subject to  
12 acceptance by the other state pursuant to the Interstate  
13 Compact for Adult Offender Supervision;

14           (5) permit the probation officer to visit him at his  
15 home or elsewhere to the extent necessary to discharge his  
16 duties;

17           (6) perform no less than 30 hours of community service  
18 and not more than 120 hours of community service, if  
19 community service is available in the jurisdiction and is  
20 funded and approved by the county board where the offense  
21 was committed, where the offense was related to or in  
22 furtherance of the criminal activities of an organized gang  
23 and was motivated by the offender's membership in or  
24 allegiance to an organized gang. The community service  
25 shall include, but not be limited to, the cleanup and  
26 repair of any damage caused by a violation of Section

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 and similar damage to property located within the  
3 municipality or county in which the violation occurred.  
4 When possible and reasonable, the community service should  
5 be performed in the offender's neighborhood. For purposes  
6 of this Section, "organized gang" has the meaning ascribed  
7 to it in Section 10 of the Illinois Streetgang Terrorism  
8 Omnibus Prevention Act;

9 (7) if he or she is at least 17 years of age and has  
10 been sentenced to probation or conditional discharge for a  
11 misdemeanor or felony in a county of 3,000,000 or more  
12 inhabitants and has not been previously convicted of a  
13 misdemeanor or felony, may be required by the sentencing  
14 court to attend educational courses designed to prepare the  
15 defendant for a high school diploma and to work toward a  
16 high school diploma or to work toward passing the high  
17 school level Test of General Educational Development (GED)  
18 or to work toward completing a vocational training program  
19 approved by the court. The person on probation or  
20 conditional discharge must attend a public institution of  
21 education to obtain the educational or vocational training  
22 required by this clause (7). The court shall revoke the  
23 probation or conditional discharge of a person who wilfully  
24 fails to comply with this clause (7). The person on  
25 probation or conditional discharge shall be required to pay  
26 for the cost of the educational courses or GED test, if a

1 fee is charged for those courses or test. The court shall  
2 resentence the offender whose probation or conditional  
3 discharge has been revoked as provided in Section 5-6-4.  
4 This clause (7) does not apply to a person who has a high  
5 school diploma or has successfully passed the GED test.  
6 This clause (7) does not apply to a person who is  
7 determined by the court to be developmentally disabled or  
8 otherwise mentally incapable of completing the educational  
9 or vocational program;

10 (8) if convicted of possession of a substance  
11 prohibited by the Cannabis Control Act, the Illinois  
12 Controlled Substances Act, or the Methamphetamine Control  
13 and Community Protection Act after a previous conviction or  
14 disposition of supervision for possession of a substance  
15 prohibited by the Cannabis Control Act or Illinois  
16 Controlled Substances Act or after a sentence of probation  
17 under Section 10 of the Cannabis Control Act, Section 410  
18 of the Illinois Controlled Substances Act, or Section 70 of  
19 the Methamphetamine Control and Community Protection Act  
20 and upon a finding by the court that the person is  
21 addicted, undergo treatment at a substance abuse program  
22 approved by the court;

23 (8.5) if convicted of a felony sex offense as defined  
24 in the Sex Offender Management Board Act, the person shall  
25 undergo and successfully complete sex offender treatment  
26 by a treatment provider approved by the Board and conducted

1 in conformance with the standards developed under the Sex  
2 Offender Management Board Act;

3 (8.6) if convicted of a sex offense as defined in the  
4 Sex Offender Management Board Act, refrain from residing at  
5 the same address or in the same condominium unit or  
6 apartment unit or in the same condominium complex or  
7 apartment complex with another person he or she knows or  
8 reasonably should know is a convicted sex offender or has  
9 been placed on supervision for a sex offense; the  
10 provisions of this paragraph do not apply to a person  
11 convicted of a sex offense who is placed in a Department of  
12 Corrections licensed transitional housing facility for sex  
13 offenders;

14 (8.7) if convicted for an offense committed on or after  
15 June 1, 2008 (the effective date of Public Act 95-464) that  
16 would qualify the accused as a child sex offender as  
17 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
18 1961 or the Criminal Code of 2012, refrain from  
19 communicating with or contacting, by means of the Internet,  
20 a person who is not related to the accused and whom the  
21 accused reasonably believes to be under 18 years of age;  
22 for purposes of this paragraph (8.7), "Internet" has the  
23 meaning ascribed to it in Section 16-0.1 of the Criminal  
24 Code of 2012; and a person is not related to the accused if  
25 the person is not: (i) the spouse, brother, or sister of  
26 the accused; (ii) a descendant of the accused; (iii) a

1 first or second cousin of the accused; or (iv) a step-child  
2 or adopted child of the accused;

3 (8.8) if convicted for an offense under Section 11-6,  
4 11-9.1, 11-14.4 that involves soliciting for a juvenile  
5 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
6 of the Criminal Code of 1961 or the Criminal Code of 2012,  
7 or any attempt to commit any of these offenses, committed  
8 on or after June 1, 2009 (the effective date of Public Act  
9 95-983):

10 (i) not access or use a computer or any other  
11 device with Internet capability without the prior  
12 written approval of the offender's probation officer,  
13 except in connection with the offender's employment or  
14 search for employment with the prior approval of the  
15 offender's probation officer;

16 (ii) submit to periodic unannounced examinations  
17 of the offender's computer or any other device with  
18 Internet capability by the offender's probation  
19 officer, a law enforcement officer, or assigned  
20 computer or information technology specialist,  
21 including the retrieval and copying of all data from  
22 the computer or device and any internal or external  
23 peripherals and removal of such information,  
24 equipment, or device to conduct a more thorough  
25 inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the  
2 offender's expense, of one or more hardware or software  
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions  
5 concerning the offender's use of or access to a  
6 computer or any other device with Internet capability  
7 imposed by the offender's probation officer;

8 (8.9) if convicted of a sex offense as defined in the  
9 Sex Offender Registration Act committed on or after January  
10 1, 2010 (the effective date of Public Act 96-262), refrain  
11 from accessing or using a social networking website as  
12 defined in Section 17-0.5 of the Criminal Code of 2012;

13 (9) if convicted of a felony or of any misdemeanor  
14 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
15 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
16 2012 that was determined, pursuant to Section 112A-11.1 of  
17 the Code of Criminal Procedure of 1963, to trigger the  
18 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
19 at a time and place designated by the court, his or her  
20 Firearm Owner's Identification Card and any and all  
21 firearms in his or her possession. The Court shall return  
22 to the Department of State Police Firearm Owner's  
23 Identification Card Office the person's Firearm Owner's  
24 Identification Card;

25 (10) if convicted of a sex offense as defined in  
26 subsection (a-5) of Section 3-1-2 of this Code, unless the

1 offender is a parent or guardian of the person under 18  
2 years of age present in the home and no non-familial minors  
3 are present, not participate in a holiday event involving  
4 children under 18 years of age, such as distributing candy  
5 or other items to children on Halloween, wearing a Santa  
6 Claus costume on or preceding Christmas, being employed as  
7 a department store Santa Claus, or wearing an Easter Bunny  
8 costume on or preceding Easter;

9 (11) if convicted of a sex offense as defined in  
10 Section 2 of the Sex Offender Registration Act committed on  
11 or after January 1, 2010 (the effective date of Public Act  
12 96-362) that requires the person to register as a sex  
13 offender under that Act, may not knowingly use any computer  
14 scrub software on any computer that the sex offender uses;  
15 and

16 (12) if convicted of a violation of the Methamphetamine  
17 Control and Community Protection Act, the Methamphetamine  
18 Precursor Control Act, or a methamphetamine related  
19 offense:

20 (A) prohibited from purchasing, possessing, or  
21 having under his or her control any product containing  
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or  
24 having under his or her control any product containing  
25 ammonium nitrate.

26 (b) The Court may in addition to other reasonable

1 conditions relating to the nature of the offense or the  
2 rehabilitation of the defendant as determined for each  
3 defendant in the proper discretion of the Court require that  
4 the person:

5 (1) serve a term of periodic imprisonment under Article  
6 7 for a period not to exceed that specified in paragraph  
7 (d) of Section 5-7-1;

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational  
10 training;

11 (4) undergo medical, psychological or psychiatric  
12 treatment; or treatment for drug addiction or alcoholism;

13 (5) attend or reside in a facility established for the  
14 instruction or residence of defendants on probation;

15 (6) support his dependents;

16 (7) and in addition, if a minor:

17 (i) reside with his parents or in a foster home;

18 (ii) attend school;

19 (iii) attend a non-residential program for youth;

20 (iv) contribute to his own support at home or in a  
21 foster home;

22 (v) with the consent of the superintendent of the  
23 facility, attend an educational program at a facility  
24 other than the school in which the offense was  
25 committed if he or she is convicted of a crime of  
26 violence as defined in Section 2 of the Crime Victims

1 Compensation Act committed in a school, on the real  
2 property comprising a school, or within 1,000 feet of  
3 the real property comprising a school;

4 (8) make restitution as provided in Section 5-5-6 of  
5 this Code;

6 (9) perform some reasonable public or community  
7 service;

8 (10) serve a term of home confinement. In addition to  
9 any other applicable condition of probation or conditional  
10 discharge, the conditions of home confinement shall be that  
11 the offender:

12 (i) remain within the interior premises of the  
13 place designated for his confinement during the hours  
14 designated by the court;

15 (ii) admit any person or agent designated by the  
16 court into the offender's place of confinement at any  
17 time for purposes of verifying the offender's  
18 compliance with the conditions of his confinement; and

19 (iii) if further deemed necessary by the court or  
20 the Probation or Court Services Department, be placed  
21 on an approved electronic monitoring device, subject  
22 to Article 8A of Chapter V;

23 (iv) for persons convicted of any alcohol,  
24 cannabis or controlled substance violation who are  
25 placed on an approved monitoring device as a condition  
26 of probation or conditional discharge, the court shall

1           impose a reasonable fee for each day of the use of the  
2           device, as established by the county board in  
3           subsection (g) of this Section, unless after  
4           determining the inability of the offender to pay the  
5           fee, the court assesses a lesser fee or no fee as the  
6           case may be. This fee shall be imposed in addition to  
7           the fees imposed under subsections (g) and (i) of this  
8           Section. The fee shall be collected by the clerk of the  
9           circuit court. The clerk of the circuit court shall pay  
10          all monies collected from this fee to the county  
11          treasurer for deposit in the substance abuse services  
12          fund under Section 5-1086.1 of the Counties Code; and

13           (v) for persons convicted of offenses other than  
14          those referenced in clause (iv) above and who are  
15          placed on an approved monitoring device as a condition  
16          of probation or conditional discharge, the court shall  
17          impose a reasonable fee for each day of the use of the  
18          device, as established by the county board in  
19          subsection (g) of this Section, unless after  
20          determining the inability of the defendant to pay the  
21          fee, the court assesses a lesser fee or no fee as the  
22          case may be. This fee shall be imposed in addition to  
23          the fees imposed under subsections (g) and (i) of this  
24          Section. The fee shall be collected by the clerk of the  
25          circuit court. The clerk of the circuit court shall pay  
26          all monies collected from this fee to the county

1           treasurer who shall use the monies collected to defray  
2           the costs of corrections. The county treasurer shall  
3           deposit the fee collected in the probation and court  
4           services fund.

5           (11) comply with the terms and conditions of an order  
6           of protection issued by the court pursuant to the Illinois  
7           Domestic Violence Act of 1986, as now or hereafter amended,  
8           or an order of protection issued by the court of another  
9           state, tribe, or United States territory. A copy of the  
10          order of protection shall be transmitted to the probation  
11          officer or agency having responsibility for the case;

12          (12) reimburse any "local anti-crime program" as  
13          defined in Section 7 of the Anti-Crime Advisory Council Act  
14          for any reasonable expenses incurred by the program on the  
15          offender's case, not to exceed the maximum amount of the  
16          fine authorized for the offense for which the defendant was  
17          sentenced;

18          (13) contribute a reasonable sum of money, not to  
19          exceed the maximum amount of the fine authorized for the  
20          offense for which the defendant was sentenced, (i) to a  
21          "local anti-crime program", as defined in Section 7 of the  
22          Anti-Crime Advisory Council Act, or (ii) for offenses under  
23          the jurisdiction of the Department of Natural Resources, to  
24          the fund established by the Department of Natural Resources  
25          for the purchase of evidence for investigation purposes and  
26          to conduct investigations as outlined in Section 805-105 of

1 the Department of Natural Resources (Conservation) Law;

2 (14) refrain from entering into a designated  
3 geographic area except upon such terms as the court finds  
4 appropriate. Such terms may include consideration of the  
5 purpose of the entry, the time of day, other persons  
6 accompanying the defendant, and advance approval by a  
7 probation officer, if the defendant has been placed on  
8 probation or advance approval by the court, if the  
9 defendant was placed on conditional discharge;

10 (15) refrain from having any contact, directly or  
11 indirectly, with certain specified persons or particular  
12 types of persons, including but not limited to members of  
13 street gangs and drug users or dealers;

14 (16) refrain from having in his or her body the  
15 presence of any illicit drug prohibited by the Cannabis  
16 Control Act, the Illinois Controlled Substances Act, or the  
17 Methamphetamine Control and Community Protection Act,  
18 unless prescribed by a physician, and submit samples of his  
19 or her blood or urine or both for tests to determine the  
20 presence of any illicit drug;

21 (17) if convicted for an offense committed on or after  
22 June 1, 2008 (the effective date of Public Act 95-464) that  
23 would qualify the accused as a child sex offender as  
24 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
25 1961 or the Criminal Code of 2012, refrain from  
26 communicating with or contacting, by means of the Internet,

1 a person who is related to the accused and whom the accused  
2 reasonably believes to be under 18 years of age; for  
3 purposes of this paragraph (17), "Internet" has the meaning  
4 ascribed to it in Section 16-0.1 of the Criminal Code of  
5 2012; and a person is related to the accused if the person  
6 is: (i) the spouse, brother, or sister of the accused; (ii)  
7 a descendant of the accused; (iii) a first or second cousin  
8 of the accused; or (iv) a step-child or adopted child of  
9 the accused;

10 (18) if convicted for an offense committed on or after  
11 June 1, 2009 (the effective date of Public Act 95-983) that  
12 would qualify as a sex offense as defined in the Sex  
13 Offender Registration Act:

14 (i) not access or use a computer or any other  
15 device with Internet capability without the prior  
16 written approval of the offender's probation officer,  
17 except in connection with the offender's employment or  
18 search for employment with the prior approval of the  
19 offender's probation officer;

20 (ii) submit to periodic unannounced examinations  
21 of the offender's computer or any other device with  
22 Internet capability by the offender's probation  
23 officer, a law enforcement officer, or assigned  
24 computer or information technology specialist,  
25 including the retrieval and copying of all data from  
26 the computer or device and any internal or external

1           peripherals and removal of such information,  
2           equipment, or device to conduct a more thorough  
3           inspection;

4           (iii) submit to the installation on the offender's  
5           computer or device with Internet capability, at the  
6           subject's expense, of one or more hardware or software  
7           systems to monitor the Internet use; and

8           (iv) submit to any other appropriate restrictions  
9           concerning the offender's use of or access to a  
10          computer or any other device with Internet capability  
11          imposed by the offender's probation officer; and

12          (19) refrain from possessing a firearm or other  
13          dangerous weapon where the offense is a misdemeanor that  
14          did not involve the intentional or knowing infliction of  
15          bodily harm or threat of bodily harm.

16          (c) The court may as a condition of probation or of  
17          conditional discharge require that a person under 18 years of  
18          age found guilty of any alcohol, cannabis or controlled  
19          substance violation, refrain from acquiring a driver's license  
20          during the period of probation or conditional discharge. If  
21          such person is in possession of a permit or license, the court  
22          may require that the minor refrain from driving or operating  
23          any motor vehicle during the period of probation or conditional  
24          discharge, except as may be necessary in the course of the  
25          minor's lawful employment.

26          (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the  
2 conditions thereof.

3 (e) Except where the offender has committed a fourth or  
4 subsequent violation of subsection (c) of Section 6-303 or  
5 subsection (c) of Section 6-303.5 of the Illinois Vehicle Code,  
6 the court shall not require as a condition of the sentence of  
7 probation or conditional discharge that the offender be  
8 committed to a period of imprisonment in excess of 6 months.  
9 This 6 month limit shall not include periods of confinement  
10 given pursuant to a sentence of county impact incarceration  
11 under Section 5-8-1.2.

12 Persons committed to imprisonment as a condition of  
13 probation or conditional discharge shall not be committed to  
14 the Department of Corrections.

15 (f) The court may combine a sentence of periodic  
16 imprisonment under Article 7 or a sentence to a county impact  
17 incarceration program under Article 8 with a sentence of  
18 probation or conditional discharge.

19 (g) An offender sentenced to probation or to conditional  
20 discharge and who during the term of either undergoes mandatory  
21 drug or alcohol testing, or both, or is assigned to be placed  
22 on an approved electronic monitoring device, shall be ordered  
23 to pay all costs incidental to such mandatory drug or alcohol  
24 testing, or both, and all costs incidental to such approved  
25 electronic monitoring in accordance with the defendant's  
26 ability to pay those costs. The county board with the

1 concurrence of the Chief Judge of the judicial circuit in which  
2 the county is located shall establish reasonable fees for the  
3 cost of maintenance, testing, and incidental expenses related  
4 to the mandatory drug or alcohol testing, or both, and all  
5 costs incidental to approved electronic monitoring, involved  
6 in a successful probation program for the county. The  
7 concurrence of the Chief Judge shall be in the form of an  
8 administrative order. The fees shall be collected by the clerk  
9 of the circuit court. The clerk of the circuit court shall pay  
10 all moneys collected from these fees to the county treasurer  
11 who shall use the moneys collected to defray the costs of drug  
12 testing, alcohol testing, and electronic monitoring. The  
13 county treasurer shall deposit the fees collected in the county  
14 working cash fund under Section 6-27001 or Section 6-29002 of  
15 the Counties Code, as the case may be.

16 (h) Jurisdiction over an offender may be transferred from  
17 the sentencing court to the court of another circuit with the  
18 concurrence of both courts. Further transfers or retransfers of  
19 jurisdiction are also authorized in the same manner. The court  
20 to which jurisdiction has been transferred shall have the same  
21 powers as the sentencing court. The probation department within  
22 the circuit to which jurisdiction has been transferred may  
23 impose probation fees upon receiving the transferred offender,  
24 as provided in subsection (i). The probation department from  
25 the original sentencing court shall retain all probation fees  
26 collected prior to the transfer.

1 (i) The court shall impose upon an offender sentenced to  
2 probation after January 1, 1989 or to conditional discharge  
3 after January 1, 1992 or to community service under the  
4 supervision of a probation or court services department after  
5 January 1, 2004, as a condition of such probation or  
6 conditional discharge or supervised community service, a fee of  
7 \$50 for each month of probation or conditional discharge  
8 supervision or supervised community service ordered by the  
9 court, unless after determining the inability of the person  
10 sentenced to probation or conditional discharge or supervised  
11 community service to pay the fee, the court assesses a lesser  
12 fee. The court may not impose the fee on a minor who is made a  
13 ward of the State under the Juvenile Court Act of 1987 while  
14 the minor is in placement. The fee shall be imposed only upon  
15 an offender who is actively supervised by the probation and  
16 court services department. The fee shall be collected by the  
17 clerk of the circuit court. The clerk of the circuit court  
18 shall pay all monies collected from this fee to the county  
19 treasurer for deposit in the probation and court services fund  
20 under Section 15.1 of the Probation and Probation Officers Act.

21 A circuit court may not impose a probation fee under this  
22 subsection (i) in excess of \$25 per month unless the circuit  
23 court has adopted, by administrative order issued by the chief  
24 judge, a standard probation fee guide determining an offender's  
25 ability to pay Of the amount collected as a probation fee, up  
26 to \$5 of that fee collected per month may be used to provide

1 services to crime victims and their families.

2 The Court may only waive probation fees based on an  
3 offender's ability to pay. The probation department may  
4 re-evaluate an offender's ability to pay every 6 months, and,  
5 with the approval of the Director of Court Services or the  
6 Chief Probation Officer, adjust the monthly fee amount. An  
7 offender may elect to pay probation fees due in a lump sum. Any  
8 offender that has been assigned to the supervision of a  
9 probation department, or has been transferred either under  
10 subsection (h) of this Section or under any interstate compact,  
11 shall be required to pay probation fees to the department  
12 supervising the offender, based on the offender's ability to  
13 pay.

14 This amendatory Act of the 93rd General Assembly deletes  
15 the \$10 increase in the fee under this subsection that was  
16 imposed by Public Act 93-616. This deletion is intended to  
17 control over any other Act of the 93rd General Assembly that  
18 retains or incorporates that fee increase.

19 (i-5) In addition to the fees imposed under subsection (i)  
20 of this Section, in the case of an offender convicted of a  
21 felony sex offense (as defined in the Sex Offender Management  
22 Board Act) or an offense that the court or probation department  
23 has determined to be sexually motivated (as defined in the Sex  
24 Offender Management Board Act), the court or the probation  
25 department shall assess additional fees to pay for all costs of  
26 treatment, assessment, evaluation for risk and treatment, and

1 monitoring the offender, based on that offender's ability to  
2 pay those costs either as they occur or under a payment plan.

3 (j) All fines and costs imposed under this Section for any  
4 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
5 Code, or a similar provision of a local ordinance, and any  
6 violation of the Child Passenger Protection Act, or a similar  
7 provision of a local ordinance, shall be collected and  
8 disbursed by the circuit clerk as provided under Section 27.5  
9 of the Clerks of Courts Act.

10 (k) Any offender who is sentenced to probation or  
11 conditional discharge for a felony sex offense as defined in  
12 the Sex Offender Management Board Act or any offense that the  
13 court or probation department has determined to be sexually  
14 motivated as defined in the Sex Offender Management Board Act  
15 shall be required to refrain from any contact, directly or  
16 indirectly, with any persons specified by the court and shall  
17 be available for all evaluations and treatment programs  
18 required by the court or the probation department.

19 (l) The court may order an offender who is sentenced to  
20 probation or conditional discharge for a violation of an order  
21 of protection be placed under electronic surveillance as  
22 provided in Section 5-8A-7 of this Code.

23 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;  
24 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.  
25 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,  
26 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;

1 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;  
2 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13; 97-1150, eff.  
3 1-25-13.)

4 Section 95. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.

11 Section 99. Effective date. This Section and the amendatory  
12 changes to Sections 2-118, 3-402, and 6-206.1 of the Illinois  
13 Vehicle Code take effect on July 1, 2014. All other portions of  
14 this Act take effect on January 1, 2015."